

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON 22/12/2014

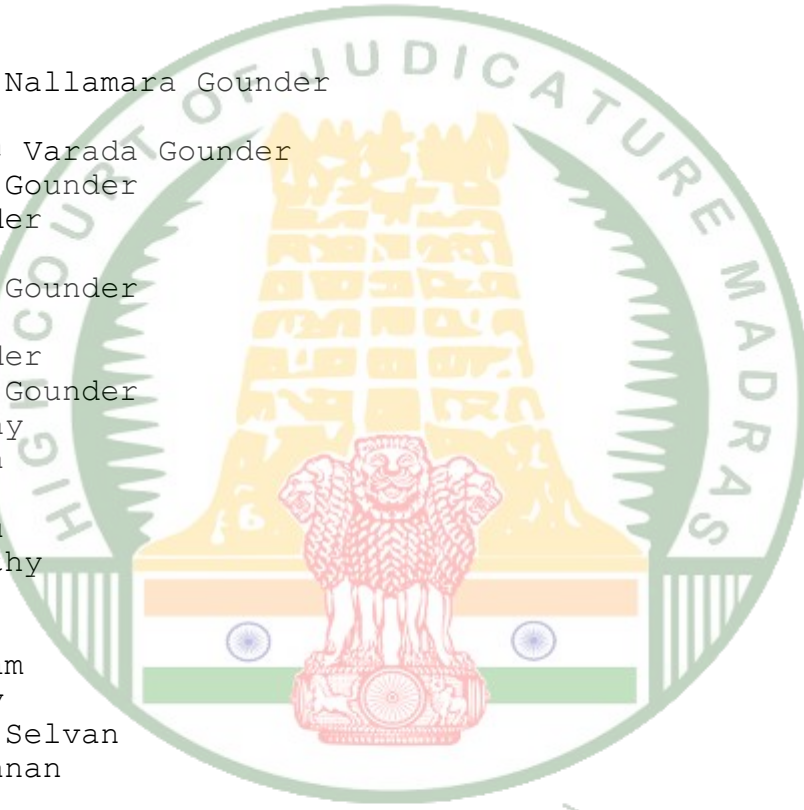
DATED: 10/04/2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.14774 of 2014 &
M.P.No.1 of 2014

- 1.Ganesan @ Nallamara Gounder
- 2.Sulochana
- 3.Oomaiyan @ Varada Gounder
- 4.Kullamara Gounder
- 5.Bairagounder
- 6.Thulasi
- 7.Chinnappa Gounder
- 8.Thangavel
- 9.Raji Gounder
- 10.Ramasamy Gounder
- 11.Prabavathy
- 12.Nagarajan
- 13.Raman
- 14.Samikannu
- 15.Ramamoorthy
- 16.Maran
- 17.Marappan
- 18.Sivalingam
- 19.Duraisamy
- 20.Thamarai Selvan
- 21.V.Manivannan
- 22.Gopal
- 23.Chenna Krishnan
- 24.Kaliyammal
- 25.Kuppusamy
- 26.Krishnan
- 27.Santhalingam
- 28.V.Govindan



सत्यमेव जयते

WEB COPY

... Petitioners

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The District Collector,
Krishnagiri District,
Krishnagiri.
3. The Revenue Divisional Officer / LAO,
O/o. The Revenue Divisional Office,
Krishnagiri.
4. The Executive Engineer,
Public Works Department,
(Water Resources Organisation),
Mel Pennar Vadi Nila Uttakotam.
5. The Chief Engineer,
(Water Resources Organisation),
Chepauk, Chennai - 600 005.
6. The Principal Secretary,
The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus, to call for the records relating to the issue of the proceedings of the first respondent bearing No.Na.Ka.No.6443/99/T2, dated 30.08.1999, quash the same and direct the respondents herein to disburse the enhanced compensation amount under Section 28-A of the Land Acquisition Act, 1894, on par with the compensation awarded in LAOP No.108/1989 to 116/1989, dated 15.09.1995 by the Subordinate Court, Dharmapuri to the petitioners.

For Petitioners : Mr.R.N.Amarnath

For Respondents : Mr.M.S.Ramesh
Additional Government Pleader

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The short facts of the case are as follows:-

The first petitioner has filed the above writ petition on behalf of himself and the petitioners 2 to 28. The first petitioner submits that in the year 1982, the Government of Tamil Nadu brought up an irrigation scheme viz., Echampadi Anaikkattu Scheme. For providing a canal for the said scheme, the Government proposed to acquire lands in the villages. The petitioners' lands

were also subjected to the acquisition. After issuing a notification under Section 4(1) of the Land Acquisition Act, hereinafter called "the Act", the Special Thasildar (L.A.) conducted an enquiry for passing of the award on 03.06.1985 and 04.06.1985. The first petitioner further submits that originally, the Land Acquisition Proceedings were initiated against the petitioners 1 to 5, 7 to 10, 12, 15 to 19, 22, 23, 25, 26, 28 and the deceaseds Kannu, Jeyarathnam, Murugan, Chinnappan, Vengan, Thiruma Gounder, Chinnasamy. The legal-heirs of the deceased landowners are petitioners 6, 11, 13, 14, 20, 21, 24, 27 respectively.

2. The first petitioner further submits that the Special Tahsildar passed an award fixing the compensation at the rate of Rs.2,636/- per acre with 30% solatium and 12% interest. Some of the landowners filed L.A.O.P.Nos.108 to 116 of 1989 before the Sub Court, Dharmapuri. The Sub Court, by its order dated 15.09.1995 enhanced the compensation amount and passed the decree and judgment as follows:-

"The value of the acquisitioned dry land, the value of 1 cent is fixed for Rs.240/- and in addition, an interest rate of 12% calculated from 4(1) notification dated 22.08.1984 to date of award passed on 24.12.1986, subsequently additional market value is calculated to Rs.4,221/-. A solatium of Rs.5,730/- is fixed."

The first petitioner further submits that pursuant to the said Judgment in the above said L.A.O.P., the petitioner and other landowners preferred a representation on 01.12.1995 to the first respondent under Section 28-A of the Act requesting to pay the similar compensation amount to the petitioners. The first respondent did not pass any order on the representation preferred by the petitioners. Hence, the petitioners filed W.P.No.20262 of 1998 before this Court seeking a direction by directing the respondent to pass orders on the application dated 01.12.1995 seeking compensation as per the judgment and decree passed by the Sub Court, Dharmapuri in L.A.O.P.Nos.108/1989 to 116/1989, dated 15.09.1995. The first petitioner further submits that the above writ petition came to be disposed of by this Court on 22.12.1998 with the following order:-

"The authority shall do well to dispose of the applications within the time limit of 12 weeks. For the purpose, the petitioners shall attend the office of the concerned authority on 27.01.1999. The period of 12 weeks shall begin from that date."

The first petitioner further submits that after receipt of the said order, he and other petitioners presented a petition before the first respondent in person on 27.01.1999. The first respondent did not take any steps to dispose of their representation. Hence, on

14.01.2004, the petitioners made another representation through their counsel to the respondents. After the receipt of the said representation, the fourth respondent requested the second respondent in letter Ka.No.216/2004/Tha 2/ dated 22.01.2004, referring the order passed by this Court, directing to send working sheet to him to enable him to pay the compensation amount as per the order passed by this Court.

3. The first petitioner further submits that the second and third respondents did not send working sheet to the fourth respondent so as to enable him to pass orders paying the compensation. Hence, the petitioners were forced to file writ petition in W.P.No.23432 of 2006, for a direction to the second and third respondents to send the working sheet as per the request of the fourth respondent dated 22.01.2004. The first petitioner further submits that by common order dated 25.07.2006, this Court was pleased to direct the second respondent to send the working sheet as required by the fourth respondent within a period of four weeks from the date of receipt of copy of the order and further directed the fourth respondent to pass orders on merits on receipt of such working sheet within a period of eight weeks thereafter. The first petitioner further submits that as the order passed by this Court in W.P.Nos.23432 to 23436 of 2006 dated 25.07.2006 was not obeyed by the respondents, the petitioners were forced to file Contempt Application in Contempt Petition Nos.1663 to 1667 of 2007. The first petitioner further submits that the third respondent herein has filed a detailed counter in the contempt petition No.1666 of 2007, wherein it has been stated that no application under Section 28-A has been preferred by the petitioners. The first petitioner further submits that in the counter filed in the contempt petition No.1666 of 2007 in W.P.No.23435 of 2006, the Revenue Divisional Officer, Krishnangi, the third respondent herein mislead the Court by stating in the counter that no application under Section 28-A of the Act was preferred by the petitioners. It is pertinent to note here that the respondents herein, in November 2009 have taken a stand that the Collector had rejected the petitioners request on 30.08.1999 itself and the same was not communicated to the petitioners herein. While passing common order in contempt petitions on 07.04.2010, this Court has given a specific direction to the respondents 1 and 2 to forward a copy of the order dated 30.08.1999 to the petitioners to the address found in the contempt petition, by registered post within two weeks.

4. The first petitioner further submits that on 03.12.2008, the third respondent herein sent working sheet with covering letter copy to Executive Engineer PWD (WRO), Dharmapuri. Similarly on 04.12.2008, the third respondent herein also sent the working sheet with covering letter to the Principal Secretary and Commissioner of Land Administration, Chennai. Subsequently, on different dates from 29.12.2008 to 29.01.2009, again the Revenue

Divisional Officer, Krishnagiri sent balance working sheets to the fourth respondent herein recommending to pay the compensation. On 09.01.2009, the third respondent herein had sent a reply letter to the Principal Secretary and Commissioner of Land Administration, Chennai in Na.Ka.No.3668/2005/B, dated 09.01.2009, with an enclosure of 5 documents, from which, it is pertinent to note that the second mentioned document is the copy of the applications filed under Section 28 A by the petitioners. This letter clearly shows that 28-A applications have been already submitted by the petitioners herein. The first petitioner further submits that the District Collector, Krishnagiri, the second respondent herein sent a clarification letter to the Principal Secretary and Commissioner of Land Administration, Chennai on 30.01.2009, wherein the applications filed under Section 28-A by the writ petitioners was clearly mentioned. The Chief Engineer PWD (WRO), Chennai, the fifth respondent herein in his letter in Thou.(3)/1103/2000/dated 26.03.2009, sent to the Principal Secretary and Commissioner of Land Administration, Chennai had urged him to approve the working sheets to comply with the High Court order to pay the enhanced compensation. The details of the Land Acquisition cases, the orders in the writ petitions and particulars of the compensation amount have also been mentioned in the enclosures. The first petitioner further submits that the copy of the order was served to him by the first respondent along with a letter in his proceedings Na.Ka.No.98825/98/(B2), dated 29.04.2010.

5. The first petitioner further submits that it is pertinent to note that the first respondent herein is alleged to have passed the order on 30.08.1999 itself rejecting the representation of the petitioners stating that the application under Section 28A of the Land Acquisition Act was not filed before the concerned authorities in time. The order of the first respondent was not communicated to the petitioners, who had claimed enhanced compensation. The order came to light only in November 2009 for the first time when the third respondent filed his counter in the contempt petition No.1666 of 2007 in W.P.No.23435 of 2006. The first petitioner further submits that the above said action of the respondents is arbitrary and illegal and it is a clear case of discrimination and hence the first petitioner and other petitioners are approaching this Court seeking Justice under Article 226 of the Constitution of India. Hence, the petitioners entreat the Court to allow the above writ petition.

6. The third respondent has filed a counter statement on behalf of him and on behalf of the respondents 2 and 6 also. The respondents submit that the lands in Chandrapatti Village and other villages in Uthangarai Taluk were acquired in the year 1982-1985 by the Special Tahsildar (Land Acquisition), Echampadi Anaicut Scheme Harur, for the formation of Right Main Channel of Echampadi Anaicut Scheme. Few landowners of acquired lands have received the

compensation amount with protest and prayed to refer the matter to the Sub Court, Dharmapuri for enhanced compensation under Section 28(A) of the Land Acquisition Act, 1894. Accordingly, the claim petitions of the said landowners were referred to the Sub Court, Dharmapuri for enhanced compensation and the same were numbered as LAOP Nos.108 to 116 of 1989. The Sub Court, in its judgment in LA.O.P.No.108 to 116 of 1989, dated 15.09.1995, enhanced the compensation to the said landowners. In the instant case, the petitioners have received the compensation amount without protest and the petitioners have not filed any petitions to the Land Acquisition Officer or District Collector, Dharmapuri under Section 28A of the Land Acquisition Act, 1894 for enhanced compensation. Since the writ petitioners have not filed any claim petitions for enhanced compensation, action was not initiated and also the matter was not referred to the Sub Court for enhanced compensation. At this juncture, it may be considered that the lands were acquired in the years 1982-1985 and awards were also passed in the year 1985. The petitioners have not filed any petitions to the Land Acquisition Officer and the first respondent for enhanced compensation after receiving compensation. Later on after a lapse of several years, the petitioners sent applications to the first respondent for enhanced compensation. The first respondent rejected the claim of enhanced compensation in Na.Ka.6443/1999, dated 30.08.1999 stating that claims are belated ones. Further, Dharmapuri District was bifurcated into Dharmapuri and Krishnagiri District and the records relating to the second respondent were transferred by the first respondent. There is no law or provision in the Land Acquisition Act for enhanced compensation after lapse of 29 years for belated claims. The petitioners have got remedy to prefer appeal to the Principal Secretary and Commissioner of Land Administration, Chennai and then to the Secretary to Government, Revenue Department, Chennai. The petitioners without exhausting above remedies have filed this petition without valid reasons and grounds. hence, the writ petition is liable to be dismissed.

7. The respondents further submit that the Government brought an irrigation scheme called "Echampadi Anaicut Scheme in Harur Taluk of erstwhile Dharmapuri District. The acquired lands are situated in Harur Taluk of Dharmapuri District and Uthangarai Taluk of Krishnagiri District. It is a welfare scheme of the Government to provide irrigation for the dry lands in Harur and Uthangarai Taluk of Dharmapuri and Krishnagiri Districts respectively. The lands were acquired in the year 1985 and award was passed by the Special Tahsildar, (Land Acquisition), Echampadi Anaicut Scheme in the year 1985. The respondents further submit that the award passed by the Special Tahsildar, (Land Acquisition), Echampadi Anaicut Scheme, Harur by fixing compensation for the acquired lands. The Land Acquisition Officer has fixed the compensation amount at the rate of Rs.2,636/- per acre with 30% solatium and 12% interest. It was further submitted that some of

the landowners received the compensation amount under protest and filed petition under Section 28(A) of the Land Acquisition Act, 1894 to the Land Acquisition Officer. But, the writ petitioners having received the amount without any protest have not filed any petitions for enhanced compensation under Section 28A of the Land Acquisition Act, 1894, either to the Land Acquisition Officer or to the District Collector, Dharmapuri. The Sub Court, Dharmapuri in its judgment of LAOP.Nos.108 to 116 of 1989, dated 15.09.1995 has fixed the value of acquired land at Rs.240/- per cent together with 30% solatium and 12% interest. This Judgment is not at all applicable to the writ petitioners since they have not filed any petitions under Section 28 A of the Land Acquisition Act to the authorities concerned in time. The respondents further submit that the petitioners after knowing the Sub Court Judgment of other landowners, have also presented representation to the first respondent to pay similar enhanced compensation to them as per Section 28A of the Land Acquisition Act. But, the writ petitioners have not preferred any claim under Section 28A of the Land Acquisition Act in the stipulated time to the Land Acquisition Officer or to the District Collector, Dharmapuri. The petitioners are not eligible for enhanced compensation as passed by Sub Court, Dharmapuri. Hence, their claims were rejected by the first respondent. The petitioners have filed a writ petition in W.P.No.20262 of 1998 before this Court to pass orders for enhanced compensation as per the verdict of Sub Court, Dharmapuri in LA.O.P.Nos.108 to 116 of 1989, dated 15.09.1995. This Court in its judgment in W.P.No.20262 of 1998, dated 22.12.1998, ordered to the first respondent to dispose their applications within 12 weeks and also directed the petitioners to attend the office of the relevant authorities on 27.01.1999.

8. The respondents further submit that the petitioners made representation on 27.01.1999 to the first respondent to pass orders on their representation. In this connection, it is stated that the fourth respondent, the Executive Engineer, PWD is not the authorized Statutory Authority to decide the claim of the petitioners for enhanced compensation under Section 28A of the Land Acquisition Act. Instead Land Acquisition Officer and Revenue Divisional Officer, Dharmapuri are the competent authorities to dispose of the applications under Section 28A of Land Acquisition Act. Hence, it is upto the Land Acquisition Officer to decide and pass orders to the enhanced compensation of the writ petitioners. The Executive Engineer has no powers to request the second and third respondents to send working sheet to him. The action of the Executive Engineer, PWD is against the law. The Executive Engineer, PWD should have requested the Land Acquisition Officer to pass orders under Section 28A of the Land Acquisition Act. Instead of that Executive Engineer, PWD overstepped and requested to send working sheet for further action, which is illegal. The prayer of

the petitioners in the affidavit is not maintainable. It is also true that the writ petitioners have filed writ petition in W.P.No.23432 of 2006 for same relief. This Court, in its order directed the second respondent to send working sheet to the fourth respondent early. In this connection, it is stated that the petitioners had not filed any petitions to the Land Acquisition Officer and Revenue Divisional Officer, Dharmapuri concerned or to the second respondent in the stipulated time for enhanced compensation under Section 28A of the Land Acquisition Act. Further, it is also stated that the lands were acquired in the years 1982 to 1985. Awards were passed by Special Tahsildar, (Land Acquisition), Eachampadi Anaicut Scheme Harur long back. Further, the Collector Dharmapuri, after thorough examination of records rejected their claims as they are belated claim. All the requests of the petitioners ought to have been considered by the first respondent in the year 1985 itself. The petitioners after a lapse of 29 years are now claiming rights for enhanced compensation. The petitioners must have filed appeal to the Commissioner of Land Administration, Chennai and then to the Secretary to Government, Revenue Department. After Bifurcation of Dharmapuri District into Krishnagiri District records relating to acquisition of lands in Krishnagiri District has been transferred to the second respondent. Further, it is upto the first respondent to pass orders on the prayer of the petitioners on merits. The first respondent in Na.Ka.6443/1999, dated 30.08.1999 has already rejected their claim for enhanced compensation on merits stating that the petitioners have not preferred petitions to the Land Acquisition Officer and the first respondent in the stipulated time under Section 28A of the Land Acquisition Act. Now, at this stage after a lapse of 29 years, the petitioners claim cannot be complied with. There is no law or rules for considering enhanced compensation in the Land Acquisition Act for belated claims.

9. The respondents further submit that as per orders of this Court, copies of the orders of the first respondent dated 30.08.1999 were also communicated to the petitioners. The respondents further submit that the Executive Engineer, PWD, Dharmapuri has requested to send working sheet for enhanced compensation by mistake of fact. In this connection, it is stated that working sheets are prepared only after judgment of the High Court. In the instant case, request for enhanced compensation of the petitioners has been already rejected by the first respondent in Na.Ka.No.6443/1999, dated 30.08.1999. Hence, the question of preparation of working sheets does not arise in this case. The respondents further submit that the Collector, Krishnagiri has sent report to the Commissioner of Land Administration, wherein, it has been clearly mentioned that the petitioners have not filed applications under Section 28 A of the Land Acquisition Act. It is a formal report addressed to the Commissioner of Land Administration mentioning in the earlier writ petitions of others.

Further, the Commissioner of Land Administration has also not admitted that the petitioners have sent petitions under Section 28A of Land Acquisition Act in time. The respondents further submit that the third respondent has sent a copy of the said proceedings and this is the copy of the first respondent dated 30.03.1999. The respondents further submit that the first respondent has passed orders in Na.Ka.No.6443/1999/T2, dated 30.08.1999 on merits as per law. The first respondent has correctly acted as per law, by rejecting the representation of the petitioners, as they are belated claims. The orders of the first respondent were clearly communicated to the petitioners. The petitioners even after receiving the said orders are denying the facts. Further, copies of the said order were also served to the petitioners by the third respondent in Na.Ka.3668/2005/B, dated 19.04.2010. The petitioners even after knowing the full facts are denying the above. The petitioners want to deceive the Government and to receive enhanced compensation by misleading the Court. The petitioners have got chances to prefer appeal against the orders of first respondent dated 30.08.1999 to the Principal Secretary and Commissioner of Land Administration, Chennai and then to the Secretary to Government, Revenue Department. The petitioners without exhausting the above chances are often filing the writ petitions without valid grounds and reasons and also wasting the precious time of this Court. The respondents further submit that first respondent correctly served the orders dated 30.08.1999 to the petitioners as per law.

10. The respondents further submit that the petitioners never sent representation to the respondents for enhanced compensation under Section 28(A) of the Land Acquisition Act to the Land Acquisition Officer and the first respondent. The respondents further submit that the third respondent has sent only detailed report to the sixth respondent, wherein he has narrated the history of the Land Acquisition case and not at all admitted about the receipt of applications on time. The respondents further submit that the sixth respondent in his proceedings to the first respondent in No.238662/2008 dated 09.11.2009 has rejected the claim of the petitioners for enhanced compensation on merits and also as per law. The respondents further submit that the petitioners claim for enhanced compensation are belated one and are against the law. The respondents acted as per law. Hence, the question of violation of Articles 14, 21 and 300-A of Constitution of India does not arise. The respondents further submit that the Land Acquisition Officer and the first respondent and the authorities concerned acted as per law. There is no provision and law for enhanced compensation for belated claims. The respondents further submit that the first respondent passed the rejected order dated 30.08.1999 on time. The petitioners even after receiving the said order have not at all preferred appeal in the appropriate forum. The respondents further submit that the petitioners have not

sent any application to the first respondent for enhanced compensation on time. Hence, the first respondent passed orders on merits. The respondents further submit that the petitioners are often filing writs for the past few years for enhanced compensation. In this connection, it is stated that the petitioners have not filed applications within the stipulated time to the authorities concerned as per law. Hence, the claims were rejected on merits. The petitioners in order to gain financial assistance are filing writs by false claims. The above said writ petition and the contempt petition have also not been allowed by this Court. The respondents further submit that the action of the respondents for rejecting the petitioners' claim is not arbitrary, but legal and also as per law. Hence, the question of invoking Article 226 of Constitution of India does not arise. The respondents further submit that the petitioners have not made any representation before the first respondent within stipulated time. Hence, the question of payment of enhanced compensation does not arise. The orders passed by the first respondent in Na.Ka.6443/1999/T2, dated 30.08.1999 are as per law and legal one. Hence, the respondents entreat the Court to dismiss the above writ petition.

11. The highly competent counsel, Mr.R.N.Amarnath appearing for the petitioners submits that the respondents / Government had initiated Land Acquisition Proceedings for acquiring land for the purpose of Echampadi Anaikkattu Scheme. The Land Acquisition Officer had conducted enquiry under Section 5A of the Act and passed an award on 03.06.1985 and 04.06.1985 respectively. Some of the original owners of the subject lands have expired, hence, the sole legal-heirs of the deceased have been included as necessary parties in the above writ petition. The Special Thasildar, Land Acquisition passed an award and fixed the compensation at the rate of Rs.2,636/- per acre with 30% solatium and along with 12% interest. Some of the landowners were not satisfied with the quantum of original compensation, hence, they have levelled petitions in LA.O.P.No.108 to 116 of 1989, before the Sub Court, Dharmapuri. The learned Judge was pleased to enhance the compensation by his order dated 15.09.1995.

12. The highly competent counsel appearing for the petitioners submits that the learned Judge had fixed the land value at Rs.240/- per cent and in addition fixed the rate of interest at 12% per annum from the date of 4(1) notification i.e., dated 22.08.1984 until the date of award passed on 24.12.1986. Subsequently, additional market value was calculated at Rs.4,221/- and besides this, a solatium of Rs.5,730/- was fixed. As per the Judicial order passed by the learned Sub Judge, Dharmapuri, the petitioners are also entitled to receive enhanced compensation on par with other landowners. Further, the Sub Court order has become final and upheld. On the basis of Judicial Proceedings, the petitioners / landowners made a representation to the District Collector,

Dharmapuri under Section 28A of the Act and requested him to pay the similar compensation amount to the petitioners. However, the first respondent did not pass any order on the said representation dated 01.12.1995. Hence, the aggrieved petitioners had filed writ petition No.20262 of 1998, before this Court for direction to the District Collector, Dharmapuri to pass an order on the said representation dated 01.12.1995, which is mandatory and to pay compensation as per the Judgment of the Sub Court, Dharmapuri. This Court, after considering the limited prayer, directed the concerned officer to dispose the petitioners' representation for enhanced compensation within a period of 12 weeks.

13. The highly competent counsel appearing for the petitioners further submits that after passing the said order by this Court, the petitioners had presented a fresh representation. However, the first respondent did not take any steps on their representations. Therefore, the petitioners sent another representation through their counsel to the third and fourth respondents, who are also competent authority to assess the additional compensation. Further, the fourth respondent requested the second respondent in his letter dated 22.01.2004 referring the order passed by this Court and directed him to send a working sheet to him to enable him pay the compensation amount as per the order of this Court. The fourth respondent's request was not considered by the second and third respondents, viz., the District Collector and the Revenue Divisional Officer of Krishnagiri. Hence, the petitioners were forced to file a writ petition in W.P.No.23432 of 2006, for a direction to the second and third respondents to send the working sheet as per the request of the fourth respondent proceedings dated 22.01.2004.

14. The highly competent counsel appearing for the petitioners further submits that this Court directed the second respondent to send the working sheet as required by the fourth respondent within a period of four weeks from the date of receipt of a copy of that order and further directed the fourth respondent to pass orders on merits on receipt of such a working sheet within a period of eight weeks thereafter. The said conditional order had not been complied with by the respondents. Hence, the petitioners were compelled to file a contempt petition No.1666 of 2007. Thereafter, the third respondent herein sent a working sheet through the second respondent to the fourth respondent. The copy of the working sheet was sent to the Principal Secretary, who is attached to the Land Administrative Department. However, the third respondent had filed a counter statement in the contempt petition, wherein it has been stated that no application has been submitted under Section 28A of the Old Act. It is not true since the respondents themselves sent communications regarding the petitioners application for enhanced compensation. As such, the third respondent misled the Court. The District Collector had

rejected the petitioners' representation by his order dated 30.08.1999. This Court further directed the first and second respondents to forward a copy of the order dated 30.08.1999 and the same was served on the petitioner. The highly competent counsel appearing for the petitioners further submits that the petitioners are involved in agricultural operations as coolies and they are suffering along with their family members after the Government had taken over their lands for which, no adequate compensation had been paid. Hence, the highly competent counsel appearing for the petitioners entreats the Court to allow the above writ petition.

15. The highly competent Additional Government Pleader Mr.M.S.Ramesh appearing for the respondents submits that it is an admitted fact that the petitioners lands were acquired for the purpose of Echampadi Anaikkattu Scheme. After acquiring the lands, an award was passed in the year 1985 itself. The award amount had been assessed by the Land Acquisition Officer and payment was made to the petitioners. The petitioners were wholly satisfied and thereafter, after a lapse of ten years, they made a representation. On the basis of the said representation, the District Collector, Dharmapuri had passed an impugned order and rejected the petitioners' claim dated 30.08.1999, since the said representation had not been levelled within stipulated period. Now, the petitioners, as an after thought are seeking enhanced compensation after a long delay of around 30 years. Hence, the highly competent Additional Government Pleader entreats the Court to dismiss the above writ petition.

16. From the above discussions, this Court is of the view:-

(i) The petitioners land and the lands of others had been acquired by the respondents for the purpose of an irrigation scheme, viz., Echampadi Anaikkattu Scheme and compensation was paid to the landowners. Some of the landowners have filed petitions before the Sub Court, Dharmapuri in L.A.O.P.Nos.108 to 116 of 1989. The learned Sub Judge, after contest and after scrutinizing the relevant records pertaining to the acquired lands had enhanced the compensation to a sum of Rs.240/- per cent. Besides, the learned Judge had directed the respondents to pay 12% interest per annum from the date of 4(1) notification i.e., 22.08.1984, until the date the award was passed i.e., 24.12.1986. Subsequently, additional market value was calculated to Rs.4,221/- and solatium was also fixed at Rs.5,730/-. This Judicial orders was passed on 15.09.1995. The Judicial order passed by the Sub Court in L.A.O.P.Nos.108 to 116 of 1989, dated 15.09.1995 is squarely applicable to the petitioners also since the lands of the petitioners also are situated at the same location. The Judgment and decree orders passed by the Sub Court, Dharmapuri is valid for execution for a period of 12 years. Therefore, the issue of limitation does not arise in the instant case. In order to avoid waste of time, mental

agony etc., and multiple repetitive proceedings, it is up to the Administrative Department to act in recurring cases, if a precedent order passed by the judicial forum already exists. Therefore, a separate Judicial Order is not necessary for assessing an adequate compensation / enhanced compensation / fair compensation to the aggrieved petitioners.

(ii) The petitioners are hailing from poor agricultural families and possessed of backward knowledge in matters literate, hence they have no intentions to appeal further knowing they are not treated with fair consideration and compensation.

(iii) The Government is a mammoth organization and they are desirous of acquiring lands for the general public, but is it to be at the cost from low cadres of society? Do we have to dislodge such a low class, who have been earning their livelihood through difficult agricultural operations from time memorial for the sake of pleasing the higher echelons of society?

(iv) The petitioners are also entitled to receive an additional compensation to arrange their dislodged lives after times memorial, by payment of enhanced compensation, as per this Court direction after scrutinizing the order of the Sub Court, Dharmapuri passed in L.A.O.P.Nos.108 to 116 of 1989, dated 15.09.1995, after a suitable modification. Accordingly, the petitioners are entitled to receive a fair compensation of Rs.240/- per cent along with interest @ 12% per annum from the date of notification under Section 4(1) of the Land Acquisition Act, i.e., dated 22.08.1984 till payment of compensation. Further, the petitioners are entitled to 30% solatium amount of the total compensation. The additional market value which was calculated at Rs.4,221/- by the Sub Court is also appropriate in the instant case.

17. Considering the facts and circumstances of the case and arguments advanced by the learned counsels on either side and on perusing the impugned order of the first respondent, dated 30.08.1999 and the views of the Court as mentioned above (i) to (iv), this Court allows the above writ petition. Consequently, the first respondent's order bearing No.Na.Ka.No.6443/99 T2, dated 30.08.1999, is quashed. This Court directs the respondent to pay compensation as per the calculation observed by this Court in view No.(iv) and to pay the said compensation to the petitioners by way of a pay order within a period of eight weeks from the date of receipt of a copy of this order. If the respondents are aggrieved by this Court's Order, they are not at liberty to file an appeal as the respondents have not been prejudiced since the Sub Court Order has become final on the same issue.

18. In the result, the above writ petition is allowed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

r n s

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The District Collector,
Krishnagiri District,
Krishnagiri.
3. The Revenue Divisional Officer / LAO,
O/o. The Revenue Divisional Office,
Krishnagiri.
4. The Executive Engineer,
Public Works Department,
(Water Resources Organisation),
Mel Pennar Vadi Nila Uttakotam.
5. The Chief Engineer,
(Water Resources Organisation),
Chepauk, Chennai - 600 005.
6. The Principal Secretary,
The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

+1cc to Mr.R.N.Amarnath, Advocate, S.R.No.20967
+1cc to the Government Pleader, S.R.No.21241

W.P.No.14774 of 2014 &
M.P.No.1 of 2014

MSM(CO)
CA(30/04/2015)