

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON 22/12/2014

DATED:16/04/2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.23652 of 2013

&

M.P.No.1 of 2013

- 1.Dharman
- 2.Rengammal
- 3.Perumal
- 4.V.Elangovan
- 5.V.P.Kamalesan
- 6.Thulasi
- 7.Mangammal
- 8.Perumal
- 9.Kuppuraj
- 10.Samikannu
- 11.Chellan @ Vediappan
- 12.M.Ponnusamy
- 13.Vengaiammal
- 14.Pappammal
- 15.Chinnappappa
- 16.Chinnakannu
- 17.Lakshmanan
- 18.Samynathan
- 19.V.P.Chinnasamy
- 20.Anandan
- 21.Chitra
- 22.Kuppammal
- 23.Mecheri

...Petitioners

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The District Collector,
Krishnagiri District,
Krishnagiri.

WEB COPY

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.24515/99 T2, dated 30.08.1999, quash the same and direct the respondents herein to disburse the enhanced compensation amount to the petitioners 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.

For Petitioners : Mr.R.N.Amarnath

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

O R D E R

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 23. The first petitioner submits that in the year 1982, the Government of Tamil Nadu brought 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, 8, 10, 11, 14, 17, 18, 19, 22, 23 and deceaseds' K.Kanthasamy, Rukku, Mookka Gounder, V.Kanthasamy, Osarayan, Pondi, Kandasamy and Govindasamy. The legal-heirs of the deceased landowners are impleaded as petitioners Numbers.6, 9, 12, 13, 15, 16, 20 and 21.

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.982 of 1999 before this Court seeking a direction 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 27.01.1999 with the following order:-

"The petitioners shall be present themselves before the officer concerned on 15.02.1999 within twelve weeks there from the application shall be decided."

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 15.02.1999. 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 3 and 4. After the receipt of the said representation, the fourth respondent requested the second respondent in letter Ka.No.220/2004/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.No.23432 of 2006 dated 25.07.2006 was not obeyed by the respondents, the petitioners were forced to file Contempt Application in Contempt Petition No.1663 of 2007. On 03.12.2008, the third respondent herein, sent the working sheet through the second respondent to the fourth respondent herein. Similarly, on 04.12.2008, the third respondent also sent the working sheet with covering letter to the Principal Secretary and Commissioner of Land Administration, Chennai. The petitioner further submits that the third respondent has filed a counter in the contempt petition No.1663 of 2007 in W.P.No.23432 of 2006, wherein, it had been stated that no application under Section 28-A has been preferred by the petitioner. The petitioner further submits that from the documents filed in the contempt applications, it is evident that, the third respondent herein sent a reply letter for clarification to the Principal Secretary and Commissioner of Land Administration, Chennai, dated 09.01.2009, wherein, the application filed under Section 28-A of the Act, by the petitioners was specifically referred as one of the enclosures. Further, in the communication dated 30.01.2009 in UA.PA.3/89/R3 also, the second respondent herein, in the letter written to the Principal Secretary and Commissioner of Land Administration, clearly referred the applications filed under Section 28-A of the Act by the petitioners herein. In the proceedings of the third respondent herein in Na.Ka.No.3668/2005/B dated 28.01.2009, a reference has been made with regard to the application under Section 28-A filed by the writ petitioners.

4. The first petitioner further submits that in the counter statement filed in the contempt petition No.1663 of 2007 in W.P.No.23432 of 2006, the third respondent herein mislead this Court by stating in the counter, that no application under Section 28-A of the Act was preferred by the petitioners. However, it was stated that in November 2009, the Collector had already rejected the petitioners request on 30.08.1999 itself. But, no such order was communicated to the the petitioner herein. The first petitioner further submits that by order dated 07.04.2010, while disposing the Contempt Application, this Court has given a specific direction to the first and second respondents to forward a copy of the order dated 30.08.1999 to the petitioners, to the address found in Contempt Petition by registered post within two weeks. This Court while disposing the contempt application have given liberty to the petitioners to question the order before this Court, if so advised. The first petitioner further submits that the copy of the order dated 30.08.1999 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.1663 of 2007 in W.P.No.23432 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.

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 petitioner and 22 others of Velampatti and other Villages of Uthangarai Taluk in Krishnagiri Distrit have filed this writ petition before this Court, with a prayer to direct the respondents 2 and 3 to send working sheet to the fourth respondent as per Letter No.220/2004/Tha/2, dated 22.01.2004, so as to enable the petitioners to obtain compensation amount under Section 28(A) of Land Acquisition Act and to direct the respondents 4 and 5 to pay the enhanced compensation amount to the petitioners. The respondents further submit that the lands in Velampatti and few other villages in Uthangarai Taluk of krishnagiri District have

been acquired by the erstwhile Tahsildar (L.A.), Uthangarai for the construction of Eachambadi Reservoir Project as detailed below:-

Sl. No.	Name of the writ petitioners	Name of the Acquisition Village	Survey No.	Extent	Award	Date of 4(1) Notification published
1	Dharman	Velampatti	35/4A 35/6B 37/5B	0.02.5 0.03.0 0.01.0	3/88 4.10.88	25 A 25.06.19 86
2	Rengammal	Velampatti	34/2 A1 45/3 A1 45/3 C1	0.05.0 0.06.0 0.02.0	3/88 4.10.88	25 A 25.06.19 86
3	Perumal	Velampatti	6/3 C1	0.05.0	3/88 4.10.88	25 A 25.06.19 86
4	V.Elangovan	Velampatti	14/5 A 37/2 B 37/3 B	0.095 0.00.5 0.00.5	3/88 4.10.88	25 A 25.06.19 86
5	Ganesan	Velampatti	14/2 A 64/2 A	0.01.5 0.06.5	3/88 4.10.88	25 A 25.06.19 86
6	Kandasamy	Velampatti	35/1A 35/3B 37/7B	0.03.5 0.02.5 0.07.5	3/88 4.10.88	25 A 25.06.19 86
7	Mangammal	Velampatti	35/7A2 45/3B1 45/3D1	0.01.0 0.03.0 0.03.0	3/88 4.10.88	25 A 25.06.19 86
8	Perumal	Velampatti	6/2 B	0.15.0	3/88 4.10.88	25 A 25.06.19 86
9	Rukku	Velampatti	6/3 B1	001.0	3/88 4.10.88	25 A 25.06.19 86
10	Samikannu	Velampatti	37/6 B 38/2 A	0.01.0 0.10.0	3/88 4.10.88	25 A 25.06.19 86
11	Sellan @ Vediappa Gounder	Velampatti	37/8 B	0.14.0	3/88 4.10.88	25 A 25.06.19 86

Sl. No.	Name of the writ petitioners	Name of the Acquisition Village	Survey No.	Extent	Award	Date of 4(1) Notification published
12	Thoppalan	Kollapatti	8/2A	0.09.5	3/88 4.10.88	25 A 25.06.1986
13	Kandasamy	Sorakkapatti	8/3 B	0.09.5	7/88 29.9.88	25 A 25.06.1986
14	Pappammal	Sorakkapatti	3/1A2	0.20.0	7/88 29.9.88	25 A 25.06.1986
		Pachiganapalli	41/1B	0.59	15/89 05.11.86	32 C 14.08.85
15	Osarayan S/o. Veerpathran	Peria Kottakulam	242/3 B 245/2 246/2 B 247/1 B 247/2 B 242/2 B	0.35 0.64 0.05 0.67 0.47 0.25	3/87 27.4.87	9A
16	Poondi @ Muruga Gounder	Settipatti	272/3 B	0.38	10/83 11.02.85	--
17	Chinnasamy	M.Vellalapati	21/1B 21/2B 22/1B2 22/2B2 22/4C2	0.03.0 0.01.0 0.00.5 0.03.0 0.04.0	4/86 20.09.88	13 A 2.4.86
18	Lakshmanan	M.Vellalapati	59/2 A	0.86	--	--
19	Saminathan	M.Vellalapati	60/3 B	0.15	--	--
20	Kandasamy	M.Vellalapati	25/1 B	2.1	4/86 20.09.88	13 A 2.4.86
21	Govindasamy	M.Vellalapati	6/3 B1 63/2 A2	0.07 0.43	--	--
22	Kuppammal	M.Vellalapati	4/4 B2 4/6 A2	0.22 0.22	19/85 16.09.85	--

Sl. No.	Name of the writ petitioners	Name of the Acquisition Village	Survey No.	Extent	Award	Date of 4(1) Notification published
23	Mecheri	M.Vellalapati	16/17 A1	0.1	4/88 28.09.88	13 A 2.4.86

The respondents further submit that the writ petitioners received the compensation amount for the lands acquired without any protest. Hence, reference under Section 18 of the Land Acquisition Act have not been filed in the concerned Sub Court. The respondents further submit that the petitioners had filed the writ petition in W.P.No.23432 of 2006 before this Court with a prayer to direct the respondents 2 and 3 to send working sheet to the fourth respondent as per letter No.220/04/Tha.2, dated 22.01.2004, so as to enable the petitioners to obtain compensation amount under Section 28(A) of the Land Acquisition Act and to direct the respondents 4 and 5 to pay the compensation amount to the petitioners. This Court, in its judgment in W.P.No.23432 to 23436 of 2006, dated 25.07.2006, directed the second respondent to send the working sheet to the fourth respondent and the fourth respondent was directed to consider and pass orders, on merits and in accordance with law. The second respondent in W.P.No.23432 to 23436 of 2006, is the Revenue Divisional Officer, Dharmapuri. In the instant case, none of the writ petitioners have filed petitions under Section 28A of the Land Acquisition Act 1894 either to the Land Acquisition Officer or to the Collector for enhanced compensation under Section 28(A) of the Land Acquisition Act.

7. The respondents further submit that as per Echambadi Anaicut Scheme, an irrigation project was constructed in Eachambadi Village of Harur Taluk for providing irrigation to dry lands of Harur and Uthangarai Taluk for this scheme. Canals were excavated for this scheme. Lands were acquired for the above scheme. Petitioners lands were acquired for the above scheme. The Tahsildar (L.A.) Uthangarai is the Land Acquisition Officer for the above scheme and the Tahsildar conducted enquiry for the acquisition of lands. The respondents further submit that the Tahsildar, Uthangarai passed the award fixing the compensation at the rate of Rs.2,632/- per acre with 30% solatium and 12% interest. The respondents submit that some of the landowners filed LAOP before the Sub Court, Dharmapuri for enhanced compensation. The Sub Court fixed the land value at Rs.240/- per cent, accordingly, the land value per acre works out to Rs.2,400/-. The respondents further submit that the petitioner has not sent any representation on

01.12.1995 to the first respondent under Section 28A of the Act, requesting for enhanced compensation. Hence, their request was not considered. The petitioners had filed a writ petition in W.P.No.982 of 1999 before this Court, seeking direction by the respondent to his District Collector, Dharmapuri to pass orders on his application dated 01.12.1995.

8. The respondents further submit that the petitioners filed writ petition in W.P.No.982 of 1999 to pass orders on their representation dated 01.12.1995 for enhanced compensation. This Court, in its judgment dated 27.01.1999 directed the petitioners to present a representation on 15.02.1999. But in the instant case, the petitioners have never sent any petition for enhanced compensation and under Section 28(A) of the Land Acquisition Act to the Land Acquisition Officer in time. The respondents further submit that the petitioner has filed a writ in W.P.No.23432 of 2006 with a prayer to direct the respondent to send working sheet to the Executive Engineer, P.W.D. Dharmapuri. This Court, in its judgment in W.P.Nos.23432 to 23436 of 2006, dated 25.07.2006 has directed the second respondent, Revenue Divisional Officer, Dharmapuri to send working sheet to the fourth respondent Executive Engineer, PWD, Dharmapuri. The respondents further submit that the petitioners have not filed any applications to the Collector, Dharmapuri, Revenue Divisional Officer, Dharmapuri and the Tahsildar, Uttangarai for enhanced compensation under Section 28(A) of the Land Acquisition Act in time. Hence, the request of the petitioners have not been considered. The respondents further submit that as per orders of this Court in contempt petition No.1663 of 2007, dated 25.02.2010, orders of the Collector, Dharmapuri Roc.24515/99/T2, dated 30.08.1999 was sent to all the petitioners by RPAD. In the said orders of the Collector, it has been clearly informed to the petitioners that they have not sent any representation for enhanced compensation in time to the Land Acquisition Officer and the Collector and the Revenue Divisional Officer. The respondents further submit that applications referred are not related in the instant cases. In the instant case, the Collector, Dharmapuri already rejected their claims in the year 1999 itself on merits. The petitioners without sending representation for enhanced compensation in time to the Collector, Dharmapuri and the Revenue Divisional Officer, Dharmapuri and the Land Acquisition Officer are often filing writs after a lapse of many years without valid grounds. There is limitation and the limitation of time has been exhausted. There is no law to consider the belated claims for enhanced compensation. The respondents further submit that the third respondent has concurrently filed counter for the contempt petition No.1663 of 2007. The counter affidavit filed by the third respondent is as per law and also from the available records. Actually, the petitioners have not sent any

application for enhanced compensation under Section 28A of the Act in time. The Collector, Dharmapuri after due examination of records and verification of files rejected their claims on 30.08.1999. The respondents further submit that as per the order of this Court in contempt petition No.1663 of 2007 in W.P.No.23432 of 2006, dated 25.02.2010, copy of the orders of Collector, Dharmapuri were sent to the petitioners. The copies of the orders were also sent to the petitioner by RPAD. The respondents further submit that the first respondent, the Collector, Dharmapuri has passed orders on 30.08.1999 after through examination of records. The orders passed by the first respondent is as per law and also Rules. The petitioners without sending the representation for enhanced compensation to authority concerned in time are now claiming enhanced compensation. The first respondent has also sent the order of the rejection to the petitioners as per law. Hence, the question of invoking Article 226 of Constitution of India does not arise. The respondents further submit that first respondent has duly served the petitioners, the order Na.Ka.24515 of 1999 dated 30.08.1999. Again, the third respondent served the same order by RPAD on 29.04.2010. The respondents further submit that petitioners never sent any representation under Section 28(A) of the Land Acquisition Act to the Authorities in time. The respondents further submit that they acted as per law and never acted in arbitrary manner. Hence, the question of violation of fundamental right under Articles 14 and 21 of the Constitution of India does not arise.

9. The respondents further submit that the petitioners never sent representation to the respondent for enhanced compensation under Section 28(A) of the Land Acquisition Act in time. Hence, the petitioners have no right to claim enhanced compensation as per law. The petitioners were not eligible for enhanced compensation as per law. It was further submitted that the authorities concerned have acted as per law and the petitioners have never sent representation for enhanced compensation in time to the Land Acquisition Officer or the Collector. It was further submitted that the first respondent passed the order on 30.08.1999 as per law and communicated it to the petitioners. The petitioners after a lapse of 26 years are filing claims for enhanced compensation. The claims are belated claims. It was further submitted that the lands were acquired for Echambadi Anaicut Scheme in the year 1982. Due compensation was paid to the landowners as per law and claim of the petitioners are not applicable as per their averments. It was further submitted that the orders passed by the first respondent stating that no representation has been received in time for enhanced compensation is legally correct and also as per law and the single order passed by the first respondent is as per law and also correct. Hence, the

respondents entreat the Court to dismiss the above writ petition.

10. 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.

11. 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.982 of 1999, 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.

12. 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.

13. 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.1663 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 mislead 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.

14. 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.

15. 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 of 1989 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 order 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 even after knowing they are not treated with fair consideration and compensation. Perhaps there is no law to consider the belated claims for enhanced compensation or it could be cited that there has been violation of fundamental rights of the Constitution, the paramount requirement

is humane justice to the downtrodden and meek agriculturists serving the general public.

(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 immemorial, 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.

16. 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.24515/99 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.

17. 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.
7. The Subordinate Judge,
Dharmapuri.

1 CC to Mr.R.N. Amarnath, Advocate SR.No. 20968

1 CC to the Government Pleader, SR.No. 21251

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W.P.No.23652 of 2013 &
M.P.No.1 of 2013

RV (CO)
PSI (30.04.2015)