

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14187 of 2016

1 S.Manokaran

2 R.Karpagam

3 Ettikan

4 Senkottaiyan

5 M.Kandasamy

6 Malliga

7 Chandiran

8 Varathappan

9 Maruthagounder

10 Kaliyannan

11 Kaliyammal

12 Selvaraj

13 Kalaiselvi

14 Kamaladevi

15 S.Selvaraj

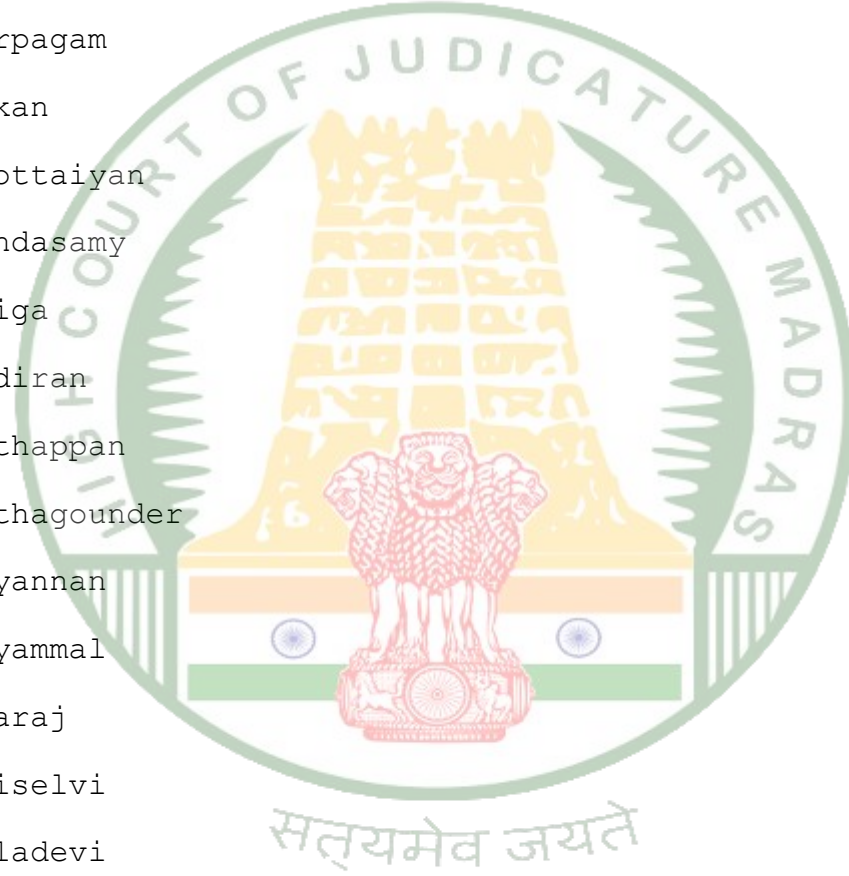
16 Mohankumar

17 Kuppusamy @ Suresh

18 Kaliyammal

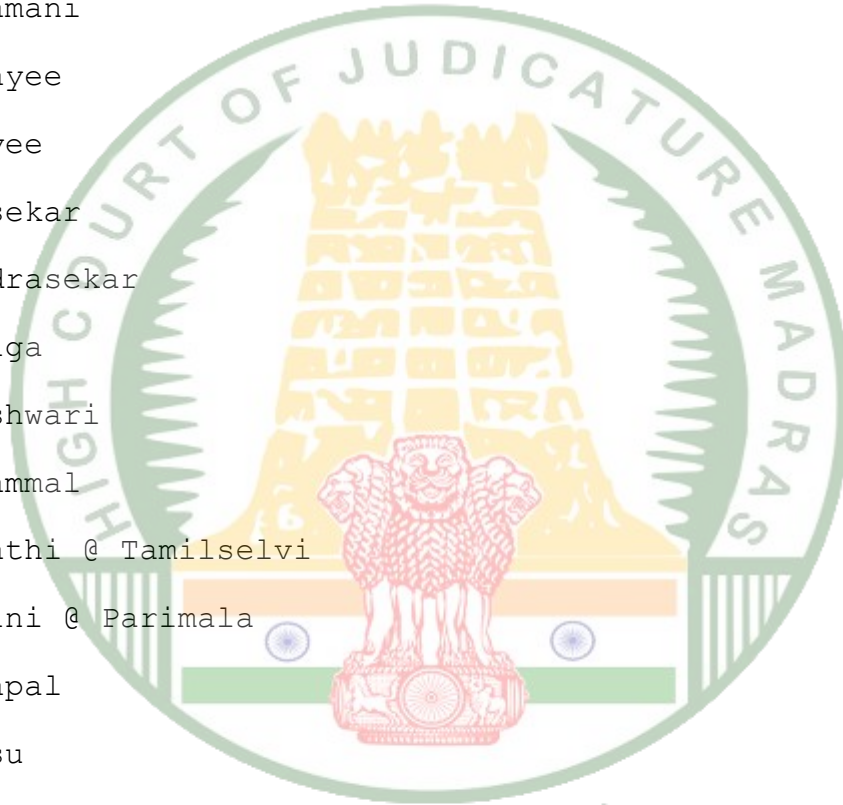
19 Angammal

20 Saraswathi



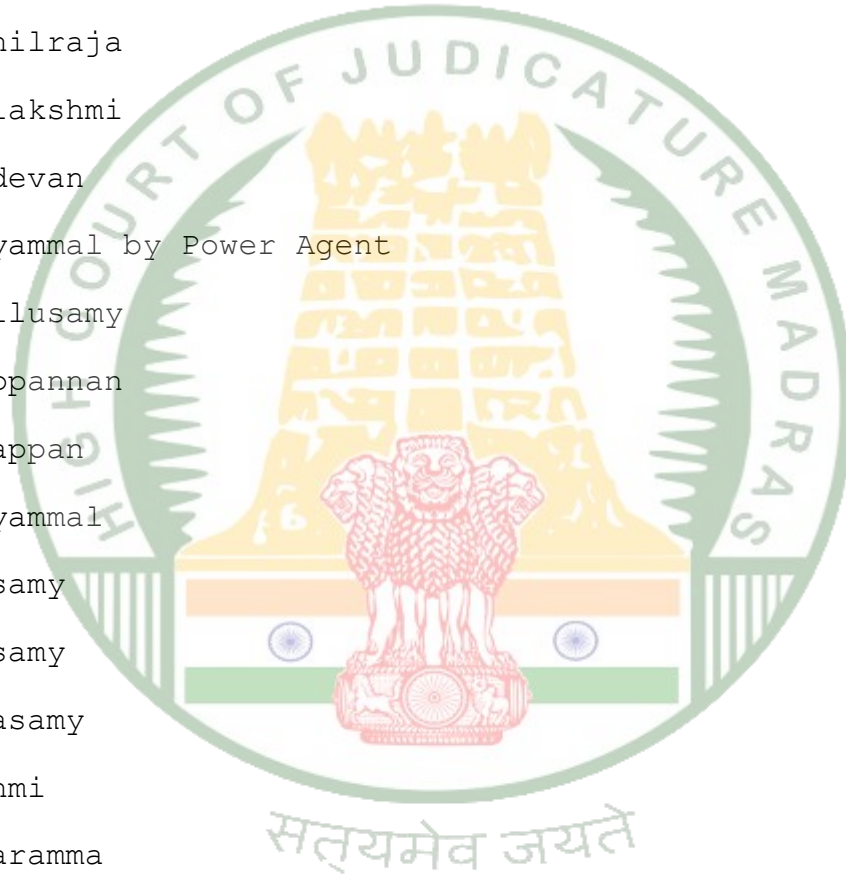
WEB COPY

21 Kanakaraj
22 Dharmaraj @ Tamilarasan
23 Ramasamy
24 Kalarani
25 Gomathi
26 Nandakumar
27 Subramani
28 Kuppayee
29 Pavayee
30 Rajasekar
31 Chandrasekar
32 Malliga
33 Maheshwari
34 Sellammal
35 Pappathi @ Tamilselvi
36 Shalini @ Parimala
37 Dhanapal
38 Sarasu
39 Indhira @ Suguna
40 Sivagami @ Pappathi
41 P.Kaliyappan
42 Mahakrishnan
43 V.Mani
44 Angammal
45 Selvi
46 S.P.Rajan



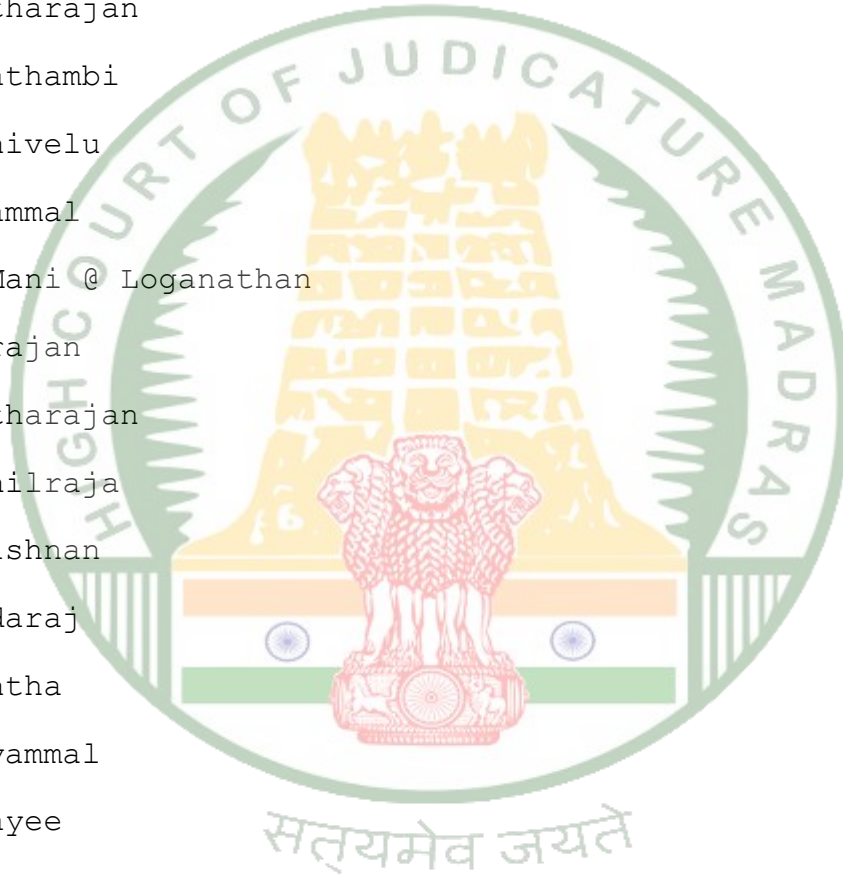
WEB COPY

47 Revathi
48 Kaliyammal
49 Kandasamygounder
50 Subbarayan
51 Kolandapaiyan
52 Angammal
53 Senthilraja
54 Jayalakshmi
55 Vasudevan
56 Kaliyammal by Power Agent
57 C.Nallusamy
58 Karuppannan
59 Veerappan
60 Kaliyammal
61 Ramasamy
62 Ramasamy
63 Kandasamy
64 Lakshmi
65 Sankaramma
66 Damayanthi
67 Ramasamy
68 Kolandaivel
69 Ponnusamy
70 S.Venkatachalapathi
71 Karuppannan



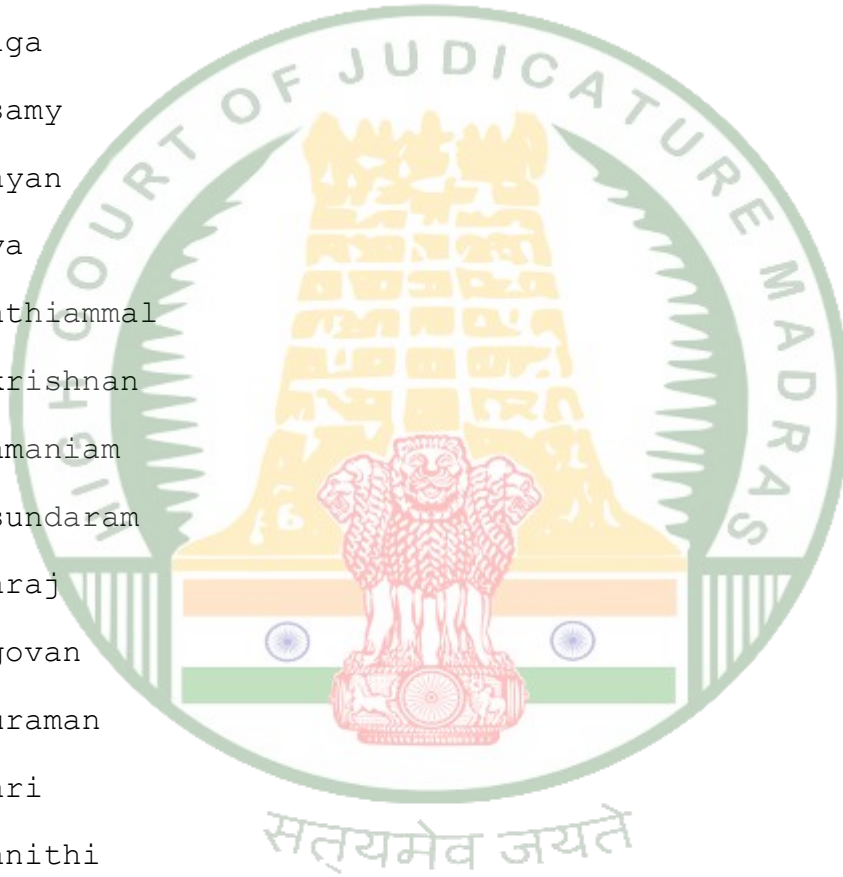
WEB COPY

72 Pappayee @ Palaniyammal
73 Subramani
74 Ponnusamy
75 Sengodan
76 Sengodan
77 Subramani
78 Varatharajan
79 Nallathambi
80 Palanivelu
81 Sellammal
82 V.K.Mani @ Loganathan
83 Natarajan
84 Varatharajan
85 Senthilraja
86 P.Krishnan
87 Anandaraaj
88 Vasantha
89 Kaliyammal
90 Kuppayee
91 Rakkayee
92 Malathi
93 Rakkayee
94 Pavayee
95 Rajagopal
96 Kalaiselvan
97 Mani



WEB COPY

98 Ettammal
99 Mohan
100 Sellappan
101 Ramasamy
102 Marayee
103 Sellammal
104 Malliga
105 Ramasamy
106 Natrayan
107 Nithya
108 Parvathiammal
109 Balakrishnan
110 Subramaniam
111 Somasundaram
112 Selvaraj
113 Elangovan
114 Muthuraman
115 Sundari
116 Dhayanithi
117 Periyasamy
118 Thangavel
119 Palanisamy
120 Pappu
121 Sellammal
122 Ravichandiran



WEB COPY

123 Dhanalakshmi

124 Poongothai

125 Palanivel

126 Annadurai

127 Loganathan

128 Sellappan

129 Sarasu

130 Kumar @ Kumarasamy

131 Habibullah

132 Ramasamy

133 Kuppusamy

134 Pappathi @ Tamilselvi

135 Shalini @ Parimala

136 Dhanapal

137 Kumarasamy

138 Nallusamy [PETITIONERS]

Vs

1 The District Collector
Namakkal
O/o.The District Collector
Thummankurichi Post
Namakkal Taluk.

[RESPONDENT]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of mandamus to direct the respondent to consider petitioners representations dated 30.04.2014 and 09.05.2014 and pass fresh awards redetermining the compensation in accordance with Section 28A of the Land Acquisition Act as per the Judgments of the Learned Additional District Judge, Namakkal, in L.A.O.P.Nos. 5/2007 to 173/2007 as confirmed by this Honourable Court in A.S.Nos. 110 to 278/2015.

For Petitioners : Mr.R.Subramanian
For Respondent : Mr.R.M.Muthukumar
Govt. Advocate

O R D E R

Heard Mr.R.Subramanian, learned counsel appearing for the petitioners and Mr.R.M.Muthukumar, learned Government Advocate, accepting notice for the respondent and with the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.In his Writ Petition, the petitioners seek for issuance of a writ of mandamus to consider their representations dated 30.04.2014 and 09.05.2014, and pass fresh awards redetermining the compensation in accordance with Section 28A of the Land Acquisition Act, 1894, (herein after referred to as the 'Act') as per the Judgment of the learned Additional District Judge, Namakkal, in LAOP Nos.5 of 2007 to 173 of 2007, confirmed in Appeal by the Hon'ble Division Bench of this Court in A.S.Nos.110 to 278 of 2015.

3.The lands owned by the petitioners were acquired by the Government for construction of Namakkal Master Plan Complex in Siluvampatti and Thummankurichi Villages and a Notification under section 4(1) of the Act was published on 04.06.1998 in the Tamil Nadu Government Gazettee. The Government invoked the emergency provision under section 17 of the Act, thereby dispensing with the enquiry under section 5A of the Act. The Award enquiry was held on various dates and the Land Acquisition Officer, passed the Award in Award Nos. 1 to 11 of 1998 on 17.03.1999 and 25.05.1999. The Land Acquisition Officer, fixed the compensation at Rs.61,728/- per hectare. Though the petitioners stated that the compensation was very low, they did not give any written request for making reference to the Civil Court under section 18 of the Act. However, similarly placed land owners sought for Reference under section 18 of the Act and the matter was referred to the Civil Court and the Reference Court viz. the learned Additional District Judge, Namakkal, took the case on file as L.A.O.P.Nos.5 of 2007 to 173 of 2007, and awarded compensation at the rate of Rs.35/- per sq.ft. in respect of the lands abutting the main road and Rs.26/- per sq.ft. for the interior lands.

4.Therefore, based on this Judgment the petitioners and other land owners have submitted representations on 30.04.2014 and 09.05.2014, seeking for refixation of compensation awarded to them based on the Judgment passed by the Reference Court dated 12.02.2014, made in L.A.O.P.Nos.5 of 2007 to 173 of 2007, under section 28 A of Act, 1894, which have been received by the District Collector on 02.05.2014 and 12.05.2014, respectively.

5.The petitioners' specific case is that the Applications given by them dated 30.04.2014, and 09.05.2014, are well within the period of limitation stipulated under the Act, which has been computed from the date of the Award namely 12.02.2014. While their representations were pending, Appeals were preferred by the Government as against the Judgment of the Reference Court in A.S.Nos.110 to 278 of 2015 and the Hon'ble Division Bench of this Court by Judgment dated 17.08.2015, dismissed the Appeals and confirmed the Judgment of the Reference Court. Therefore, the petitioners sought for issuance of a writ of mandamus to direct the first respondent to consider the petitioners representations and pass fresh Awards redetermining the compensation in accordance with Section 28A of the Land Acquisition Act, 1894.

6.The learned Government Advocate on instructions submitted that it is not in dispute that the petitioners did not seek for any reference to the Civil Court under section 18 of the Act. It is the further submission of the learned Government Advocate that the copy of the Judgment in A.S.Nos. 110 to 278 of 2015, it yet to be made available and therefore, the respondent seek for a copy of the said order.

7.If that be the case, the petitioners Applications under section 28A of the Act has to be considered. That apart, the Applications are well within the time stipulated under the Act as the Applications have been received by the District Collector on 02.05.2014 and 12.05.2014, respectively, and since the Judgment in A.S.Nos. 110 to 278 of 2015, has already been uploaded in the official Website of the High Court, the respondent is entitled to download the same as an authenticated copy of the Judgment as decrees would take some more time to be issued, since the decree have to be drafted in 169 Appeals.

8.In the light of the above, there will be a direction to the respondents to consider the petitioners representations dated 30.04.2014 and 09.05.2014, and pass appropriate orders on merits and in accordance with law, taking into consideration the Judgment of the Reference Court in in L.A.O.P.Nos.5 of 2007 to 173 of 2007, dated 12.02.2014, on the file of the Additional District Judge, Namakkal, as confirmed by the Hon'ble Division Bench of this Court in A.S.Nos. 110 to 278 of 2015 dated 17.08.2015, within a period of three months, from the date of receipt of a copy of this order.

The Writ Petition is disposed of on the above terms. No costs.

r p a

s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

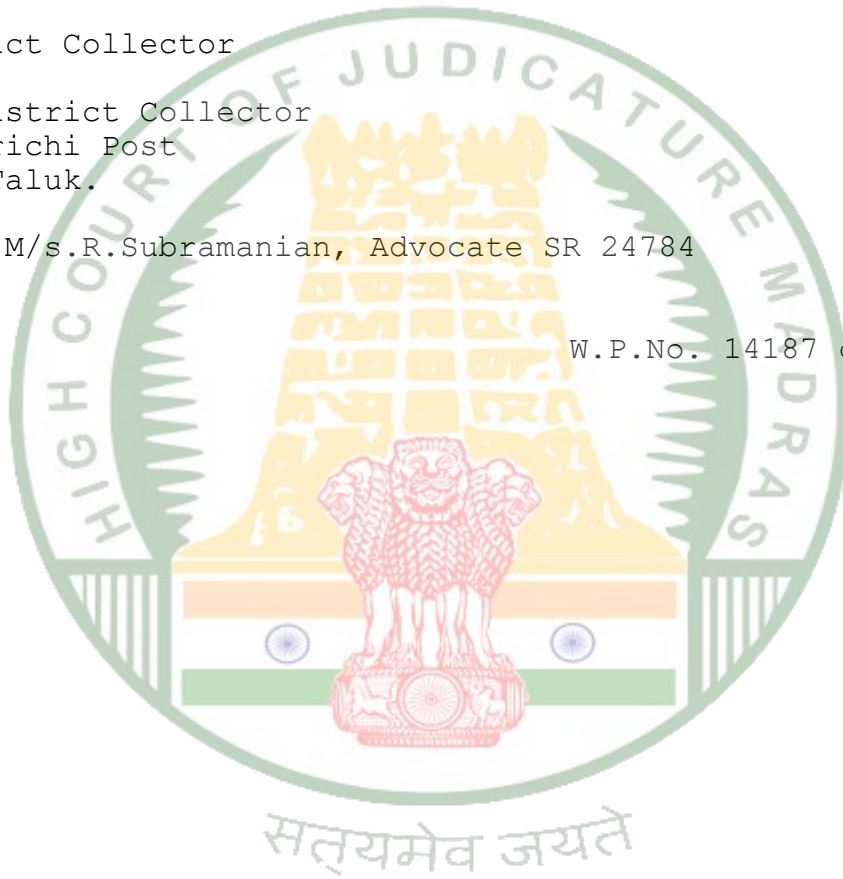
To

The District Collector
Namakkal
O/o. The District Collector
Thummankurichi Post
Namakkal Taluk.

+ 2 cc to M/s.R.Subramanian, Advocate SR 24784

nr(co)
prk2/5

W.P.No. 14187 of 2016



WEB COPY