

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.3.2016

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM

W.P.No.9350 of 2015

1.Palaniammal
2. Krishnaveni
3.Gomathi

.. Petitioners

Vs

1 The District Collector
Erode District Erode.

2 The Revenue Divisional Officer
(Land Acquisition)
O/o. Revenue Divisional
Office Brough Road Erode-1.

.. Respondents

This Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the 1st respondent to conduct enquiry U/s. 28 (A) of Land Acquisition Act and fix the compensation as per Additional District Court/ FTC-I Erode passed in L.A.O. P. No.25 of 2002 dated 27.11.2002 and Supreme Court order in Civil Appeal No.6135 of 2011 dated 1.8.2011 and L.A.O.P.No. 17 of 2003 dated 28.5.2004 on the file of the Additional District Court / FTC-I Erode and SLP.No.22607 of 2012 dated 27.9.2013 on the file of the Honourable Supreme Court of India.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.R.Rajeswaran
Special Government Pleader

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O R D E R

The petitioner has filed this writ petition to direct the first respondent to consider the petitioner's application sent through his counsel on 26.1.2015 under Section 28(A) of the Land Acquisition Act, 1894.

2. The petitioner would submit that the petitioner's land were acquired along with other lands and the reference court by order dated 27.11.2002 in L.A.O.P.No.25 of 2002 awarded compensation at the rate of Rs.20/- per sq.feet. Aggrieved over the same, the Government preferred first appeals before this Court in A.S.No.813 of 2003 etc, batch and the appeals were partly allowed and the compensation was fixed at Rs.8/- per sq.feet as against Rs.20/- per sq. feet fixed by the reference court. The land owners preferred civil appeals in Civil Appeal Nos.6127-6128 of 2011 before the Hon'ble Supreme Court. The Hon'ble Supreme Court by Judgment dated 01.08.2011 restored the order passed by the reference court and fixed compensation at Rs.20 per sq.feet. Similar matters were also disposed of by the Hon'ble Supreme Court.

3. Now, the petitioner having not accepted the award of the Land Acquisition Officer seeks for compensation on the same lines as fixed in respect of the other land owners in pursuant to the Judgment of the Hon'ble Supreme Court. The representation sent by the petitioner through his counsel is now pending consideration before the first respondent.

4. In the light of the above, without going into the merits of the petitioner's claim, there will be a direction to the first respondent to consider the petitioner's application sent through his counsel on 26.1.2015 on merits and in accordance with and examine the same under Section 28(A) of the Land Acquisition Act, 1894 within a period of three months from the date of receipt of a copy of this order. The petitioner is directed to furnish one more copy of the representation along with the copy of this order and other annexures to the first respondent.

5. Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector
Erode District Erode.
 - 2 The Revenue Divisional Officer
(Land Acquisition) O/o. Revenue Divisional
Officer Brough Road Erode-1.
- + 1 cc to Mr.C. Prakasam, Advocate SR.14649
+ 1 cc to Government Pleader Sr.14325

W.P.No.9350 of 2015

KJI (CO)
Eu 18.03.16



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