

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED 03.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.4 of 2017

N.Shanmugam

.. Petitioner

Versus

1.The District Collector,  
Erode District, Erode.

2.The Revenue Divisional Officer,  
Erode, Erode District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to conclude the enquiry under Section 28(A) of Land Acquisition Act in pursuant to the enquiry notice dated 18.03.2013 issued by the 2<sup>nd</sup> respondent and pass final orders.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.A.Raja Perumal,  
Additional Government Pleader

O R D E R

N.Shanmugam/the petitioner herein, who was the owner of the land situated in Survey Nos.407/2, 407/3, 407/4 and 407/5 at Erode Village, Erode Taluk and District measuring to an extent of 0.81.5 hectare, has come to this Court seeking a direction to the respondents to conclude the enquiry under Section 28(A) of Land Acquisition Act in pursuance to the enquiry notice dated 18.03.2013 issued by the 2<sup>nd</sup> respondent and pass final orders.

2.The grievance of the petitioner is that the above said land was acquired by the Tamil Nadu Housing Board for implementation of the Housing Scheme in the year 1976 and subsequently, the respondents had sanctioned the compensation with lesser amount. Aggrieved by the same, he approached the respondents and made request to refer the matter before the Sub Court, Erode and accordingly the same has been referred before the said Court. However, the Sub Court, Erode has passed orders in L.A.O.P. No.2 of 1994 enhancing the compensation from Rs.75/- per cent to Rs.750/- per cent. Aggrieved over the same, the Special Tahsildar, Land Acquisition, Neighbourhood Scheme, Erode

approached this Court by way of filing an appeal in A.S. No.665 of 1997 as against the order passed in L.A.O.P. No.2 of 1994. This Court has confirmed the order passed in L.A.O.P. No.2 of 1994. Thereafter, the petitioner has made a representation before the respondents under Section 28(A) of the Land Acquisition Act for fixing the compensation. On receipt of the same, the second respondent conducted enquiry under Section 28 (A) of the Act on 15.04.2013. In the said enquiry, the petitioner and other land owners took part and claimed compensation. But till date no order has been passed. Therefore, he has been advised to come to this Court.

3.Learned counsel for the petitioner, taking support from the similar order passed by this Court in W.P. No.39647 of 2016 in respect of the same land acquisition proceeding with regard to the similarly placed persons, submitted that this Court taking note that the enquiry held on 15.04.2013 under Section 28 (A) of the Land Acquisition Act was not completed, directed the respondents to pass a speaking order on the enquiry under Section 28(A) of the Land Acquisition Act and therefore, he prays for a similar order.

4.Learned Additional Government Pleader also agreed to the said proposition.

5.Since the issue raised in this writ petition has already been decided by this Court in W.P. No.39647 of 2016, the Revenue Divisional Officer, Erode District/the second respondent herein is directed to pass a speaking order finally on the enquiry under Section 28(A) of Land Acquisition Act in the manner known to law, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs.

सत्यमेव जयते

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

vga

To

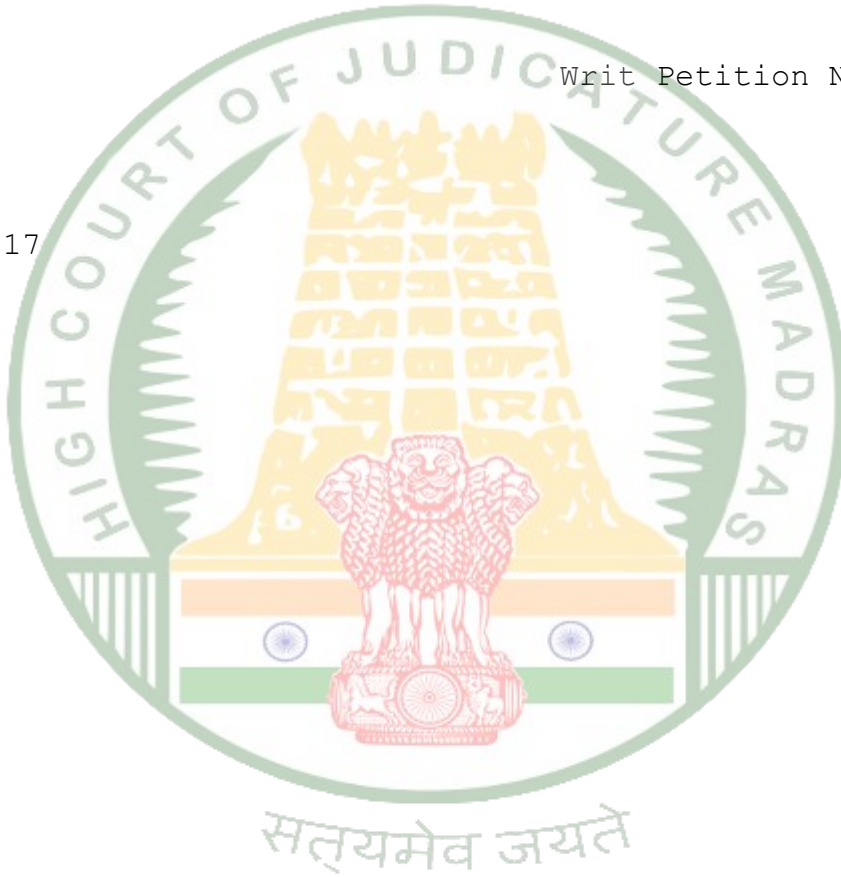
1.The District Collector,  
Erode District, Erode.

2.The Revenue Divisional Officer,  
Erode, Erode District.

+1 cc to Mr.C.Prakasam Advocate sr 728/17  
+1 cc to Government Pleader vide sr 806/17

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