

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.12.2017

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.33101 of 2016
and

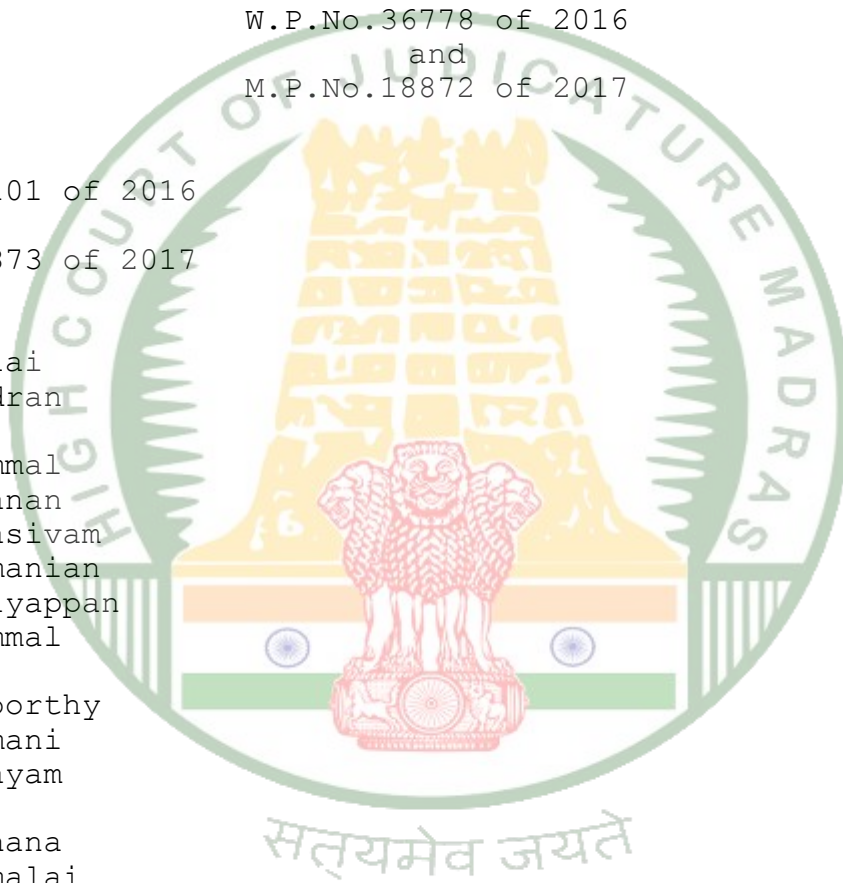
M.P.No.18873 of 2017
and

W.P.No.36778 of 2016
and

M.P.No.18872 of 2017

W.P.No.33101 of 2016
and
M.P.No.18873 of 2017

1. Elumalai
2. Rajendran
3. Mani
4. Pattammal
5. Narayanan
6. Paramasivam
7. Subramanian
8. Pachaiyappan
9. Nallammal
10. Mani
11. Ramamoorthy
12. Subramani
13. Ramajayam
14. Kumar
15. Sulochana
16. Thirumalai
17. Gnanasekar
18. Amirthammal
19. Radhakrishnan
20. Dakshinamoorthy
21. Saravanan
22. Ramamoorthy
23. Sundaram
24. Panneer
25. Soundar Rajan
26. Malarkodi
27. Sundaram
28. Selvakumar



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29. Vijayakumar
30. Dhanapal
31. Karpagammal
32. Annadurai
33. Kumar
34. Natarajan
35. Murugan
36. Sivakavi
37. K.R.Sivaprakasam
38. Vasantha
39. Sheik Munavar Ali
40. Jayachandran
41. Shanmugam
42. Rajendran
43. Tharuman
44. Subramaniyan
45. Kumarasamy
46. Kuppusamy
47. Ambika
48. Vijayaraj
49. Samikannu
50. Kamalakannan
51. Sekar alias Kumaravel
52. Raja
53. Chandrasekar
54. Puspha
55. Parasuraman
56. Pannerselvam
57. Asothai Ammal
58. Santhi
59. Amutha
60. Master Balaji
S/o.Tamizh Arasan
61. Minor Subash
S/o.Tamizh Arasan
Minors respondents 60 & 61
are represented by their
guardian Asothai Ammal
62. Balasubramanian
63. Selvaraj
64. Ravichandran
65. Sironmani
66. Domininsaviyo

... Petitioners

vs.

1. The State of Tamil Nadu
Represented by its Secretary to Government,
Finance Department,
Secretariat, Chennai-9.

2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

3. The Special Tahsildar (Land Acquisition),
Tamil Nadu Road Sector Project,
Thiruvannamalai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the compensation for their lands on the basis of petitioners' representations to the respondents on 25.07.2016 in the light of the order dated 04.03.2016, passed in L.A.O.P.No.2 of 2009 on the file of the Principal Sub-Ordinate Court at Thiruvannamalai within a stipulated time framed by this Court.

W.P.No.36778 of 2016
and
M.P.No.18872 of 2017

1. K.Krishnamoorthy
2. Maria Joseph
3. Arokia Raj
4. Victor
5. Kalliappan
6. Narayanan
7. Thirunavukarasu
8. Jeyachandrran
9. Arasu

... Petitioners

Vs.

1. The State of Tamil Nadu
Represented by its Secretary to Government,
Finance Department,
Secretariat, Chennai-9.

2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

3. The Special Tahsildar (Land Acquisition),
Tamil Nadu Road Sector Project,
Thiruvannamalai

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the compensation for their lands on the basis of petitioners' representations to the 2nd respondent on 25.07.2016 and 12.09.2016 in the light of the order dated 04.03.2016, passed in L.A.O.P.No.2 of 2009 on the file of the Principal Sub-Ordinate Court at Tiruvannamalai within a stipulated time framed by this Court.

For Petitioners : Mr.K.Elango
for Mr.C.Mahendran
For Respondents : Mr.K.Balamurugan, Govt. Advocate

C O M M O N O R D E R

1. The common point involved in this batch of cases, according to the learned counsel appearing for the petitioners is that, in the year 2003, the respondents 2 and 3 approached the petitioners to part with their lands for the purpose of forming a by-pass road from Tiruvannamalai to Tirukkivilur under Tamil Nadu Road Sector Project and had promised that they would be paid the just valuation of the lands as per law. Trusting the said representation of the respondents 2 and 3, the petitioners agreed to part with their lands. Price of the lands were also fixed anywhere between Rs.250/- to Rs.300 per cent according to the location and character. However, two of the villagers namely, Raja and Vijayakumar declined to part with their lands for the said project by private negotiation. Accordingly, the Government was constrained to acquire the land under the provisions of Land Acquisition Act, 1894. An award was passed in their case, but both Raja and Vijayakumar felt aggrieved by the inadequacy of the compensation awarded and sought a reference under Section 18 of the Land Acquisition Act. The reference made by the Collector was enquired by the learned Principal Sub-Court, Tiruvannamalai in L.A.O.P.No.2 of 2009. On 04.03.2016, the Sub-Court, Tiruvannamalai allowed L.A.O.P.No.2 of 2009 and the compensation for the acquired land was increased to Rs.67/- per sq.ft., from Rs.275/- per cent as determined by the 2nd respondent in his award. According to the learned counsel this award of the Sub-Court has become final.

2. The learned counsel added that the petitioners herein are poor, essentially illiterate agriculturist who trusted the District Collector, Tiruvannamalai to pay them the value of their land and they now feel that they are cheated, that their lands have not been properly valued by the Collector and trusted the judgment of the collector which has been breached. Hence, they moved the Collector with a representation dated 25.07.2016

in the case of the petitioners in W.P.No.33101 of 2016 and another representation dated 12.09.2016 in the case of the petitioners in W.P.No.36778 of 2016.

3. The learned counsel for the respondents has made the submissions based on the ground that the petitioners, insofar as they have sold the lands in private negotiation they are not entitled to seek compensation in par with the others whose lands were acquired where the valuation was not fixed in any award of the District Collector but by the Court and hence they can invoke Section 28 A of Land Acquisition Act, that they have not been discriminated in the matter of fixation of compensation, since the 2nd respondent has fixed the valuation of the lands of those two individuals against whom acquisition proceedings were initiated, only at Rs.275/- per cent, which is well within the range of Rs.250/- and Rs.300/- which even learned counsel for the petitioners admit.

4. Without going into the merits of the rival submissions inasmuch as the petitioners only require the District Collector to consider their representation and to explore the feasibility to pay one of the citizens who trusted his judgment in the matter of fixing the compensation payable. After all, that is required and expected in fairness and non-arbitrariness in state action.

5. The 2nd respondent is directed to consider the representation of the petitioners in both the writ petitions within a period of eight weeks from the date of receipt of a copy of this order and communicate the same to the petitioners. The petitioners may also be granted personal hearing and shall also be permitted to place such relevant materials for consideration of the 2nd respondent while disposing the petitioners' representations. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Principal Sub-Ordinate Court,
Thiruvannamalai.

2. The Secretary to Government,
Finance Department,
Secretariat, Chennai-9.
3. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
4. The Special Tahsildar (Land Acquisition),
Tamil Nadu Road Sector Project,
Thiruvannamalai.

+2ccs to Mr.C.Mahendran, Advocate, S.R.No.87023

+1cc to the Government Pleader, S.R.No.87386

W.P.No.33101 of 2016
and
M.P.No.18873 of 2017
and
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