

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT APPEAL No.894 OF 2010

JUDGMENT: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order of the Learned Single Judge in W.P. No.6138 of 2007 dated 20.08.2007. This Writ Petition, along with a batch of Writ Petitions, was disposed of by a common order.

In the order under appeal, the Learned Single Judge noted the contention urged on behalf of the respondents in their counter-affidavit, and observed that the appellant-writ petitioners had furnished their consent in Form IV on Ten rupees non-judicial stamp paper accepting the award amount passed by the Land Acquisition Officer towards structures that were being submerged in Somasila Project; they had also given an undertaking that they would not claim higher compensation in any Court of law, or in any other forum, and shall abide by the consent award made by the Land Acquisition Officer under Section 11(2) read with Section 31(2) of the Land Acquisition Act, 1894; the Learned Assistant Government Pleader had placed on record the consent forms submitted by the petitioner which, in unmistakable terms, indicated that the petitioners had accepted the amounts valued for the structures in the lands proposed for acquisition; the Empowered Committee had categorised the structures and the compensation had been arrived at, for which all the land owners, whose structures came under category IV, had given their consent; the consent forms were placed on record; they had categorically stated, in unmistakable terms, that they accepted the valuation made by the negotiation committee; and pursuant to their consent, awards came to be passed, and

thereupon the petitioner had received compensation. The Learned Single Judge concluded by holding that, if once the landholders received compensation without any protest pursuant to the consent award, they could not be permitted to contend that the method of calculation of the award was discriminatory and violative of Article 14 of the Constitution of India.

After arguing for some time Sri P. Venugopal, Learned Senior Counsel, would submit that, even if the finding recorded by the Learned Single Judge that the Award, as passed, was a consent award were to be accepted, the appellant-writ petitioners were not even paid the compensation which they were entitled to in terms of the consent award. While the Learned Government Pleader for Land Acquisition and Irrigation would contend otherwise, we see no reason to take upon ourselves the task of computing the compensation payable to the land owners in terms of the consent award. We consider it appropriate, therefore, to dispose of the Writ Petition permitting the petitioners to submit a representation to the first respondent explaining how, according to them, the compensation received by them was lower than what they were entitled to under the consent award.

Sri P. Venugopal, Learned Senior Counsel, would submit that the appellant-writ petitioners would submit such a representation within three weeks from today. In case such a representation is submitted, respondents 1 and 3 shall examine whether the amount paid to the appellant-writ petitioners earlier was in terms of the consent award, pass a reasoned order on their representation, and communicate the same to the appellant-writ petitioners at the earliest, and in any event not later than three months from the date of receipt of a copy of this order.

The Writ Appeal is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

KONGARA VIJAYA LAKSHMI, J

Date: 23.11.2017
MRKR

