

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:19.02.2018
CORAM

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.1442 of 2014

B.Dakshinamurthy

...Appellant

Vs

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Special Tahsildhar
(Land Acquisition)
SIPCOT TACID Division,
Oragadam Schemes,
Irungattukottai,
Sriperumbudur Taluk

...Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 21.2.2014 passed in W.P.No.3785 of 2014.

WP.No.3785/2014:Petition Under Article 226 of Consitution of India praying for a writ of Mandamus directing the second respondent herein to refer the matter under Section 18 of the Land Acquisition Act to the concerned Civil Court on the absis of the petitioner Petition dated 18.1.2002 for getting enhancement of Compensation in respect of the petitioner lands in Survey Nos.25/1 and 25/1A1 measuring an extent of 1800 sq.ft. and 2275 sq.ft. respectively totaling 4075 sq.ft. bearing Plot Nos.2 and 11 of Saraswathy Nagar Stage II in Oragadam Village Sriperumbudur Taluk Kancheepuram District by fixing a time limit.

For Appellant : M/s. V.Chandrakanthan

For Respondents: Mr.I.Satheesh
Additional Government Pleader
for R1 & R2

J U D G M E N T

(Order of the Court was made by K.K.SASIDHARAN, J.)

The appellant appears to have received the compensation without making application under Section 18 of the Land acquisition Act. The Writ Petition filed by the appellant for issuance of a writ of mandamus was dismissed by the

learned Single Judge. The said order is under challenge in this Writ Appeal.

2. The learned counsel for the appellant contended that while receiving the compensation, the appellant made an endorsement indicating that the amount is received under protest and without prejudice to the right to claim enhanced compensation.

3. The original Ledger maintained by the Land Acquisition Officer is produced before this Court. The Ledger entries indicate that no such protest was made by the appellant while receiving the amount. It is therefore clear that the appellant received the compensation without protest. Therefore the learned single Judge was justified in dismissing the Writ Petition.

4. The learned counsel for the appellant submitted that the appellant is entitled to receive the compensation under Section 28-A of the Land Acquisition Act, 1894 in view of the enhancement.

5. We make it clear that this order would not stand in the way of claiming relief under Section 28-A of the Land Acquisition Act, 1894, if he is otherwise entitled to the benefits of enhancement.

6. The intra court appeal is disposed of, with the above observation. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Special Tahsildhar
(Land Acquisition)
SIPCOT TACID Division,
Oragadam Schemes,
Irungattukottai,
Sriperumbudur Taluk

+1cc to Government Pleader Sr.No.13667

+1cc to Mr.V.Chandrakanth, Advocate Sr.No.12382

GP(CO)

sm:19.3.2018