

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25..09..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.23555 of 2018

C.Karuppannan

... Petitioner

-Versus-

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The Special Tahsildar,
(Land Acquisition),
Salem-Karur Broad Gauge Rail Project,
Namakkal.
- 3.The Deputy Chief Engineer (Construction),
Southern Railway,
Salem-5.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 and 2 to pass award afresh by re-determining the amount of compensation in accordance with Section 28-A of The Land Acquisition Act, 1894 in the light of the judgement and decree dated 06.12.2017 made in L.A.O.P.No.86 of 2002 on the file of the learned Subordinate Judge, Namakkal, with respect to the petitioner's land in Nos.9/4D2, 9/4B, 9/4C2, 9/4E2, 9/4I2 and 9/4J1 situated at Chinnamudalaipatty Village, Namakkal Taluk and District, which were acquired for the purpose of Salem-Karur Broad Gauge Railway Project, based on the representation of the petitioner dated 08.05.2018.

For Petitioner

: Mr.S.Senthil

For Respondents

: Mr.C.Thirumaran, Spl.
Government Pleader for
R1 to R3

ORDER

This writ petition has been filed seeking a writ of mandamus directing the respondents 1 and 2 to re-determine the amount of compensation in respect of the lands of the petitioner comprised in Survey Nos.9/4D2, 9/4B, 9/4C2, 9/4E2, 9/4I2 and 9/4J1 situated at Chinnamudalaipatty Village, Namakkal Taluk and District, which were acquired for the purpose of Salem-Karur Broad Gauge Railway Project, in the light of the provisions in Section 28-A of The Land Acquisition Act, 1894 and by considering his application dated 08.05.2018.

2. The case of the petitioner is that he was the absolute owner of the lands in question and the same were acquired by the State for the Railway Project under the provisions of the Land Acquisition Act, 1894 [in short "the Act"]. On 13.06.2000, an award was passed wherein the 1st respondent fixed compensation at Rs.54,795/-. As the petitioner did not appear and produce legal heir ship certificate during award enquiry, the 1st respondent made a reference under Sections 30 & 31 of the Act to the Subordinate Court, Namakkal and the compensation amount was deposited to the credit of the reference court. In the mean time, the other land owners who lost their land to the State made their objections for enhanced compensation and the 1st respondent, in turn, made such references under Section 18 of the Act to the learned Subordinate Judge, Namakkal. On such reference, the learned Subordinate Judge assigned LAOP numbers and after full fledged trial, he enhanced the compensation at Rs.50/- per square feet. Thereafter, on the getting the copy of the judgement, the petitioner made his representation to the 1st respondent to extend the benefit arising out of the order of the civil court to the petitioner. The grievance of the petitioner is that his representation has not so far been considered by the 1st respondent. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that reference court by judgement dated 06.12.2017 enhanced the compensation amount and on getting the certified copy of the judgement, the petitioner made a representation within the period of limitation seeking to extend the benefit under Section 28-A of the Act on 08.05.2018. The learned counsel for the petitioner further submitted that though the application for enhanced compensation was made in time, the same has not yet been considered by the 1st respondent.

4. Considering the fact that the application made by the petitioner to the 1st respondent under Section 28-A of the Act seeking to extend the benefit arising out of the judgement of

the reference court is pending for consideration since 10.05.2018 , the 1st respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The Special Tahsildar,
(Land Acquisition),
Salem-Karur Broad Gauge Rail Project,
Namakkal.
- 3.The Deputy Chief Engineer (Construction),
Southern Railway,
Salem-5.

+1cc to M/S.S.Senthil, Advocate Sr.66449
+1cc to the Government Pleader Sr.67097

सत्यमेव जयते

W.P.No.23555 of 2018

srg 3/10/2018

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