

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2018

C O R A M

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.Nos.27077 & 27084 of 2018

and W.M.P.Nos.31495 & 31502 of 2018

1.K.Sivagami
2.G.Jagadeesan
3.Kandasamy

...Petitioners in W.P.No.27077/2018

1.Vijayalakshmi
2.Marimuthu
3.Arjunan
4.Josepphin Merry
5.Tamilselvan
6.R.Thangamuthu
7.P.Thangaraj
8.Sekar
9.M.Govindaraj

...Petitioners in W.P.No.27084/2018

Vs

1.The District Collector,
Erode District, Erode.

2.The Revenue Divisional Officer
(Land Acquisition),
O/o. Revenue Divisional Office,
Brough Road, Erode -1.

... Respondents in both W.Ps.

Prayer in both the writ petitions : Petition filed under article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to pass orders on the basis of the enquiry conducted U/s.28(A) of Land Acquisition Act by taking note of compensation fixed in L.A.O.P.No.3 of 2014, dated 12.04.2014 and fix the compensation as per order passed in National Mega Lok Adalath in Case No.254 of 2014 on the file of the Sub Court, Erode.

For Petitioners ... Mr.C.Prakasam
in both the writ petitions

For Respondents ... Mr.M.Elumalai, GA
in both the writ petitions

COMMON ORDER

These writ petition have been filed for issuance of Writ of Mandamus directing the first respondent to pass orders on the basis of the enquiry conducted U/s.28(A) of Land Acquisition Act.

2 The petitioners state that their land measuring an extent of 0.57.0 hectares was acquired by the Government for Tamil Nadu State Housing Board by issuing 4(1) notification under the Land Acquisition Act. It is stated that subsequently, an award was also passed on 25.03.1998 fixing compensation at the rate of Rs.50,000/- per acre. Though, the petitioner has not filed any petition for reference, it is stated that others have sought for reference under Section 18(1) of Land Acquisition Act, for enhancement of compensation and the proceedings before the Land Acquisition Tribunal was concluded by an award enhancing compensation. The petitioner seeks redetermination of compensation by invoking Section 28(A) of Land Acquisition Act (Central).

3 The petition filed by the petitioner is yet to be disposed of. In the above writ petition, the petitioners have enclosed the award passed by the Land Acquisition Tribunal in National Mega Lok Adalat in L.A.O.P. No.3 of 2014 in the typed set of papers. The petitioners stated that they have made a representation in time on 26.06.2014 for re-determination of the compensation under Section 28(A) of Land Acquisition Act. Hence, this Court, without going to the merits is inclined to direct the respondents to consider and pass appropriate orders on the petition of the petitioner dated 26.06.2014.

4 It is also stated by the learned counsel for the petitioners pursuant to the petition made by the petitioner, the first respondent has also issued a notice inviting the petitioner to attend the enquiry. It is stated that despite the petitioner has produced records, participating in the enquiry, orders have not been passed by the first respondent. Under the Land Acquisition Act, the land acquisition officer is the competent authority. Hence, the second respondent is directed to consider the petitioner's application dated 26.06.2014 on merits and in accordance with law and pass suitable orders after giving an opportunity to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

5 With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

gsi/rpl

To

1.The District Collector,
Erode District, Erode.

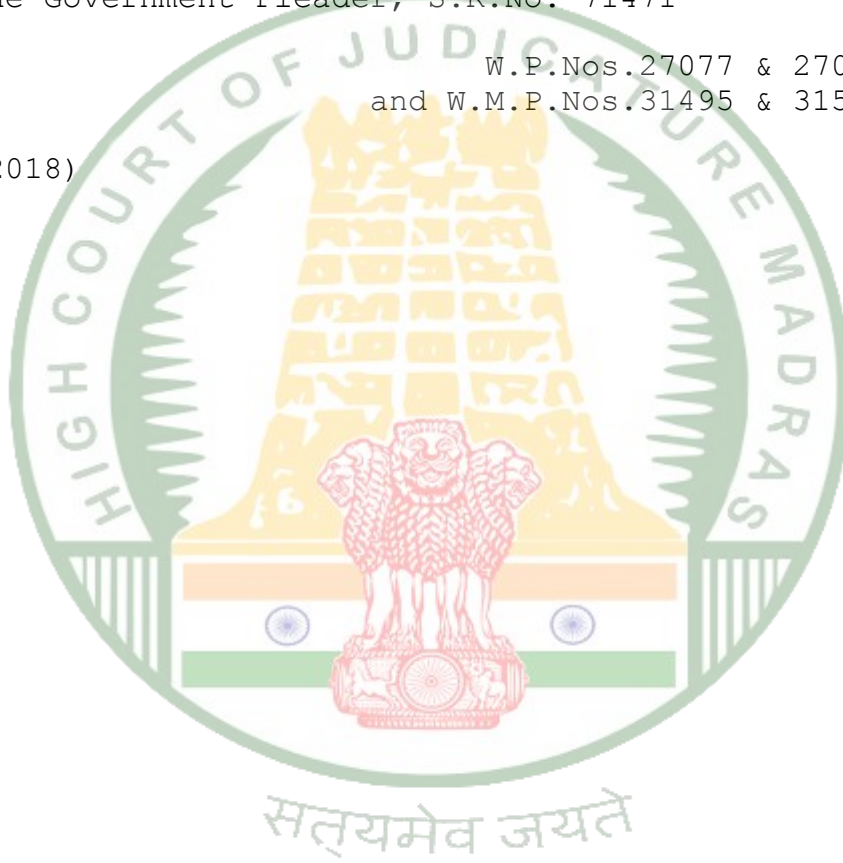
2.The Revenue Divisional Officer
(Land Acquisition),
O/o. Revenue Divisional Office,
Brough Road, Erode -1.

+2cc to Mr.C.Prakasam, Advocate, S.R.No. 70991, 70992

+1cc to the Government Pleader, S.R.No. 71471

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GN(26/10/2018)



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