

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.02.2019
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P. 3134 of 2019
and
W.M.P. 3396 of 2019

1. P.Palaniammal
2. Ashokkumar
3. Rajkumar
4. Punitha
5. Lalitha
6. Vanitha

... Petitioners

Vs

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

... Respondents

PRAYER : 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 fresh award by re-determining the amount of compensation in accordance with Sec.28A of the Land Acquisition Act, 1894 in the light of Judgment and Decree dated 11.04.2018 made in L.A.O.P. No.90 of 2002 on the file of the learned Sub-Judge, Namakkal with respect to the petitioners acquired land in Survey No.9/14A, situated at Chinnamudalipatty village, Namakkal Taluk and District based on the representations of the petitioners dated 01.08.2018.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.C.Thirumaran,
Special Government Pleader
for R1 and R2

O R D E R

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to consider the petitioners' application filed under Sec.28-A of the Land Acquisition Act (hereinafter called as "Act").

2. According to the petitioners, the petitioners lands were sought to be acquired for formation of Salem-Karur Broad Gauge line and the award was also passed. Not being satisfied with the award, the neighbouring landowners have filed an application for reference under Sec.18 of the Act, and the Reference Court has enhanced the compensation by judgment dated 01.04.2018. Thereafter, after obtaining the copy of the judgment, which was made ready on 06.07.2018, the petitioners have submitted their representations on 01.08.2018 under Sec.28-A of the Act seeking for enhanced compensation. Since their applications was not considered, the present Writ Petition has been filed by the petitioners.

3. On perusal of the records, the judgment was passed in L.A.O.P.No. 90 of 2002 on 11.04.2018 and the copy of the judgment and decree was delivered only on 06.07.2018. Thereafter, the petitioners have filed their applications on 01.08.2018 within three months. In the above circumstances, since the applications were filed by the petitioners in time, the respondents 1 and 2 are directed to consider the petitioners applications and pass suitable orders within a period of eight weeks from the date of receipt of the copy of this order.

4. In the result, the present Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1. The District Collector,
Namakkal District,
Namakkal.

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2. The Special Tahsildar,
(Land Acquisition),
Salem Karur Broad Gauge
Railway Project,
Namakkal.

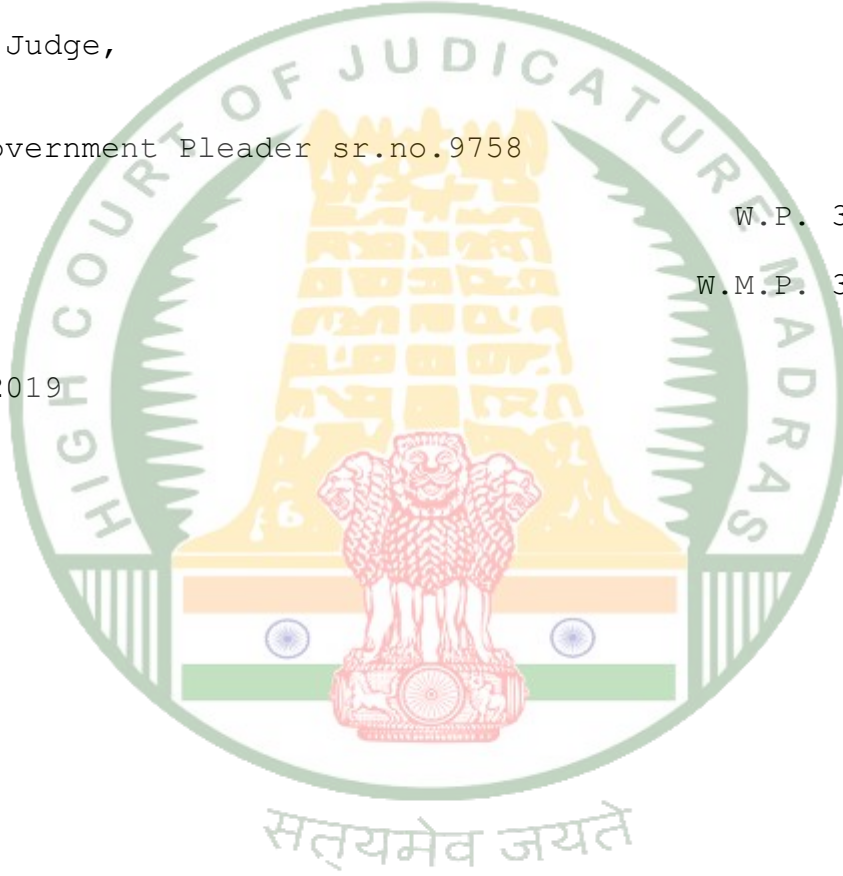
3. The Deputy Chief Engineer,
(Construction),
Southern Railway,
Salem-5.

4. The Sub Judge,
Namakkal.

+1cc to Government Pleader sr.no.9758

W.P. 3134 of 2019
and
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nr 25/03/2019



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