

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.3470 of 2019

Karuppayyammal
Petitioner

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Vs

1. The District Collector
Erode District
Erode- 11.
2. The District Revenue Officer
Erode
Erode District
3. The Revenue Divisional Officer
Brough Road
Erode
Erode District
4. The Special Tahsildar
Land Acquisition,
Neighbourhood Scheme
Brough Road
Erode -1.
5. The Executive Officer/
Administrative Officer
Erode Housing Board
Surampatti Nall Road
Erode - 638 009

Respondents

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Prayer: This Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents to fix the enhanced compensation for the petitioner's land situated in S.Nos. 455/2, 455/3 and 455/4 Erode C Village, Erode Taluk & District to the extent of 0.36.0 hectare in S. No. 455/2 and 0.44.0 hectare in S.No. 455/3 and another extent of 0.40.0 hectare in S.No.455/4 for 1/3rd share by taking note of the order passed in Special Leave to Appeal (Civil) No.867-868/2012 dated 05.07.2013 by disposing the written representation made by the petitioner on 17.12.2018

within a stipulated time as this Hon'ble Court fixes and pass such further orders.

For Petitioner : Mr. C. Prakasam

For Respondents : Mr. C. Thirumaran,
Spl. Government Pleader for R1
to R4

Mr. R.V. Babu for R5

O R D E R

The prayer in the Writ Petition is to direct the respondents to fix an enhanced compensation for the petitioner's land situated in S.Nos. 455/2, 455/3 and 455/4 Erode C Village, Erode Taluk & District to the extent of 0.36.0 hectare in S. No. 455/2 and 0.44.0 hectare in S.No. 455/3 and another extent of 0.40.0 hectare in S.No.455/4 for 1/3rd share, by taking note of the order passed in Special Leave to Appeal (Civil) No.867-868/2012 dated 05.07.2013.

2. The learned counsel for the petitioner would submit that the petitioner's husband owned the subject property and in the year 1991 the Tamil Nadu Government acquired some extent of the land for Tamil Nadu Housing Board. In the year 1994, the respondents passed an award fixing the compensation at the rate of Rs.37,500/- per acre. Against the said award, the petitioner's husband filed LAOP No.5 of 2005 and the learned Additional Sub Judge, Erode enhanced the compensation at the rate of Rs.20/- per sq.ft. In the appeal filed by the 3rd respondent in A.S. No.833 of 2006, this Court reduced to enhanced compensation to Rs.8/- per sq.ft. While so, similarly placed adjacent land owners filed an appeal before the Hon'ble Supreme Court in Special Leave (Civil) No. 867-868 /2012. The Hon'ble Supreme Court passed an order dated 05.07.2013 fixing the enhanced compensation and clearly giving direction to the authorities concerned to extend the same benefits to the other similarly placed land owners, whose lands were acquired by notification dated 22.05.1991 and who were not able to approach the High Court and Supreme Court. It has also been directed to do the needful, within a period of six months.

3. Claiming the benefit of the aforesaid order of the Hon'ble Supreme Court, the petitioner made a representation on 17.12.2018 and the same is pending before the 1st respondent. Aggrieved by the same, the present writ petition is filed before this Court.

4. Mr. C. Thirumaran, Special Government Pleader takes

notice for the respondents 1 to 4 and submitted that the 1st respondent is the competent authority to consider the representation of the petitioner, whether the petitioner is entitled or not, in the light of the judgement of the Hon'ble Supreme Court.

5. Heard the learned counsel for the parties. With the consent of both the parties, the writ petition is disposed of at the stage of admission itself.

6. Considering the above said submission and the limited scope of prayer sought for by the petitioner, without expressing any opinion on the merits of the case, this Court is inclined to direct the 1st respondent to consider the representation of the petitioner dated 17.12.2018, on merits and in accordance with law, in the light of the aforesaid judgement of the Hon'ble Supreme Court and pass orders as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of, with the above direction. No order as to costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The District Collector
Erode District
Erode- 11.

2. The District Revenue Officer
Erode, Erode District

3. The Revenue Divisional Officer
Brough Road
Erode, Erode District

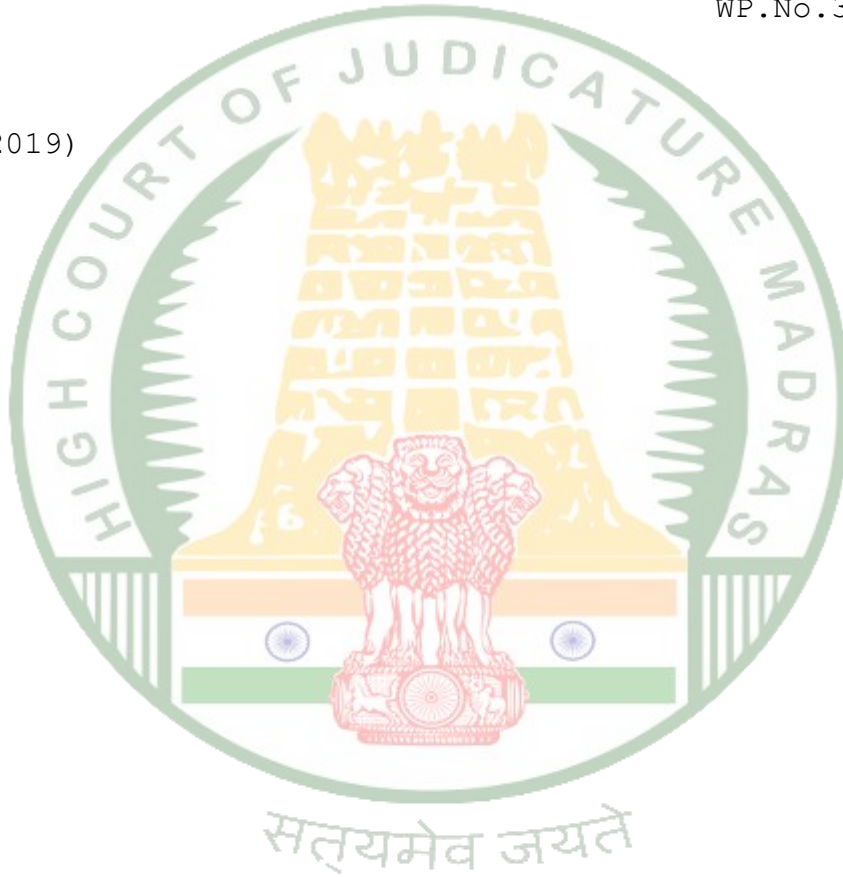
4. The Special Tahsildar
Land Acquisition,
Neighbourhood Scheme
Brough Road, Erode -1.

5. The Executive Officer/
Administrative Officer
Erode Housing Board
Surampatti Nall Road
Erode - 638 009.

+1 CC to Mr.C.Prakasam, Advocatesr 10950.
+1 CC to Govt. Pleader sr 10807.
+1 CC to Mr.R.V. Babu, Advocate sr 10608.

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RSI (CO)
SP(08/03/2019)



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