



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD) No.24469 of 2018

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Albert

.. Petitioner

Vs.

The Land Acquisition Officer,
cum Revenue Divisional Officer,
Padmanabhapuram Revenue Division,
Thuckalay Post,
Kanyakumari District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to accept the representation of the petitioner dated 10.11.2018 and make enhanced payment of compensation under Section 28A of the Land Acquisition Act 1894 to me in accordance with the Judgment and Decree of the Land Acquisition Claims Tribunal cum Subordinate court, Kuzhithurai in LAOP.No.1/1997 or in the alternative to refer the matter under Section 18 of the Land Acquisition Act 1894 to the Land Acquisition Claims Tribunal cum Subordinate Court, Kuzhithurai in consideration of the petitioner's representation dated 04.10.2018.

For Petitioner : Mr.M.P.Hariprasad

For Respondents : Mr.M.Rajarajan,
Government Advocate

O R D E R

The instant writ petition has been filed for a Mandamus to direct the respondent to consider the representation of the petitioner, dated 10.11.2018 seeking to redetermine the amount of compensation on the basis of the award, dated 30.05.1995 under Section 28 (a) of the Land Acquisition Act 1894.

2.It is the case of the petitioner that lands belonging to the petitioner were acquired by the respondents and an award was also passed on 30.05.1995. Thereafter it is also admitted by the petitioner that the compensation awarded by the Collector was also received by him. It is the case of the petitioner that the compensation awarded by the respondent is inadequate and therefore it has to be redetermined under Section 28 (a) of the Land Acquisition Act, 1894. It is also his case that he gave a representation, dated 10.11.2018 to the respondent for redetermination of the amount of compensation as per Section 28



(a) of the Act, which till date according to him has not been considered by the respondent in accordance with law.

3. Heard Mr.M.P.Hariprasad, learned counsel for the petitioner and Mr.M.Rajarajan, accepts notice on behalf of the respondent.

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4. The prayer sought for in the instant writ petition is an innocuous prayer. No prejudice will be caused to the respondent if the said prayer is granted by this court. Therefore, this Court directs the respondent to consider the representation, dated 10.11.2018 seeking to redetermine the amount of compensation under Section 28 (a) of the Land Acquisition Act, 1894 in accordance with law after giving sufficient opportunity to the petitioner to put forward all his contentions available to him under law and the respondent shall dispose of the representation within a period of eight weeks from the date of receipt of a copy of this order.

5. With the aforesaid direction this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

To

The Land Acquisition Officer,
cum Revenue Divisional Officer,
Padmanabhapuram Revenue Division,
Thuckalay Post,
Kanyakumari District.

+1 CC to M/s.M.P.HARI PRASAD, Advocate (SR-50440[F] dated 28/02/2019)

+1 CC to M/s.SPL GP (SR-50484[F] dated 28/02/2019)

TM

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