

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.17803 of 2020

R.Habibullah

...Petitioner

Vs.

1 The District Collector
Namakkal District, Namakkal.

2 The Special Tahsildar (Land Acquisition)
and Revenue Divisional Officer
Master Plan complex,
Namakkal.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pass fresh award by redetermining the amount of compensation in accordance with Sec 28A of the Land Acquisition Act 1894 in the light of Judgment and Decree dated 28.2.2020 made in L.A.O.P. No. 211 of 2000 on the file of the Land Acquisition Tribunal, Namakkal with respect to the Petitioner's acquired land comprised in Survey Nos.15/3, 15/4, 15/10, 15/11, 14/10 and 14/11 measuring an extent of 2.97.5 Hectare situated at Thummankurichi Village, Namakkal Taluk and District based on the representation of the Petitioner dated 29.06.2020.

For Petitioner : Mr.S.Senthil

For Respondents: Mr.D.Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the representation made by the Petitioner on 29.06.2020, wherein the Petitioner is seeking for the redetermination of the compensation in accordance with Section 28(A) of the Land Acquisition Act, 1894 (herein after called as 'Act').

Page numbers

2. Heard Mr.S.Senthil, learned counsel for Petitioner and Mr.D.Raja, learned Additional Government Pleader for respondents.

3. It is seen from records that 4(1) notification was issued on 04.06.1998 and thereafter, the award came to be passed by the second respondent by proceedings dated 30.11.1999. Admittedly, the Petitioner has not sought for any reference under Section 18(1) of the Act.

4. Some of the other land owners under the same notification had sought for a reference under Section 18 of the Act and the matter was referred to the competent Civil Court in LAOP No.211 of 2000, on the file of the Sub-Court (Land Acquisition Tribunal), Namakkal. The Court has ultimately enhanced the compensation at the rate of Rs.35/- per sq.ft by virtue of a Judgment and Decree dated 28.02.2020.

5. The Petitioner, immediately, on coming to know of the enhancement of compensation granted by the competent Civil Court has made a representation to the respondents on 29.06.2020 seeking for redetermination of the compensation on the basis of the award passed by the Court. Since the same was not considered, the present Writ Petition has been filed before this Court.

6. The only issue that is involved in the present Writ Petition is whether the Petitioner, who has not sought for a reference under Section 18(1) of the Act, will be entitled for redetermination of the amount of compensation on the basis of the Judgment in LAOP No.211 of 2000 dated 28.02.2020. The law on this issue is well settled and it has been categorically held that even where the claimant has not made any reference under Section 18 of the Act, he will always be entitled to claim compensation at par with others where the compensation has been enhanced. Useful reference can be made to the judgment of the Hon'ble Supreme Court in "V.Ramakrishna Rao .. vs.. Singareni Collieries Company Ltd.," reported in 2011 (1) MLJ 351.

7. In view of the above, this Court is inclined to issue appropriate directions to the respondents to deal with the representation made by the Petitioner in accordance with law.

8. This Writ Petition is disposed of with a direction to the first respondent to consider the representation made by the Petitioner on 29.06.2020 and deal with the same in

Page numbers

accordance with Section 28(A) of the Act and pass final orders within a period of four months from the date of receipt of a copy of this order. The Petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Mra

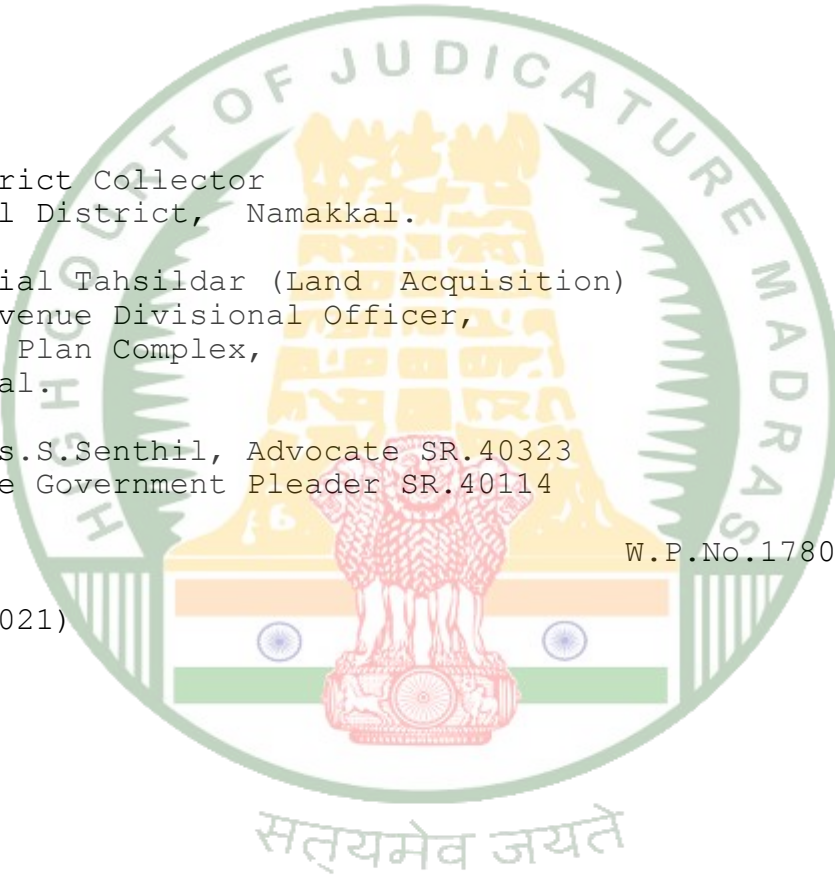
To

- 1.The District Collector
Namakkal District, Namakkal.
- 2.The Special Tahsildar (Land Acquisition)
and Revenue Divisional Officer,
Master Plan Complex,
Namakkal.

+1cc to M/s.S.Senthil, Advocate SR.40323
+1cc to the Government Pleader SR.40114

W.P.No.17803 of 2020

VSN II (CO)
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Page numbers