

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NOS.178, 181, 182, 184 & 187 OF 2020

K.Sellammal ... Petitioner in W.P.178 of 2020
K. Ramasamy ... Petitioner in W.P.181 of 2020
Vasudevan ... Petitioner in W.P.182 of 2020
M. Ramasamy ... Petitioner in W.P.184 of 2020
K. Mallika ... Petitioner in W.P.187 of 2020

Vs

1. The State of Tamil Nadu,
rep.by its Addl. Chief Secretary,
Revenue & Disaster Management Department,
Fort St. George, Chennai 600 009
2. The Principal Secretary/Commissioner of Revenue,
Administration (CRA),
Ezhilagam, Chempauk,
Chennai 600 005.
3. The District Collector,
Namakkal District,
Namakkal.
4. The Land Acquisition Officer and
Revenue Divisional Officer,
Namakkal .. Respondents in all W.Ps

Prayer in W.P.178 of 2020 :

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the re-determined compensation amount to the petitioner in consideration of acquisition of his lands comprised in Survey No.358/5, situate at Siluvampatti Village, Namakkal Taluk & District, based on the re-determination award dated 26.07.2016

passed by the fourth respondent in Award No.2 of 2016 in ROC No.2603/2016/A7, with future interest by considering the petitioner's representation dated 17.10.2019.

Prayer in W.P.181 of 2020 :

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the re-determined compensation amount to the petitioner in consideration of acquisition of his lands comprised in Survey No.363/4A & 365/2 situate at Siluvampatti Village, Namakkal Taluk & District, based on the re-determination award dated 27.07.2016 passed by the fourth respondent in Award No.30 of 2016 in ROC No.2603/2016/A7, with future interest by considering the petitioner's representation dated 12.10.2019.

Prayer in W.P.182 of 2020 :

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the re-determined compensation amount to the petitioner in consideration of acquisition of his lands comprised in Survey No.359/3 & 359/4, situate at Siluvampatti Village, Namakkal Taluk & District, based on the re-determination award dated 26.07.2016 passed by the fourth respondent in Award No.17 of 2016 in ROC No.2603/2016/A7, with future interest by considering the petitioner's representation dated 17.10.2019.

Prayer in W.P.184 of 2020 :

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the re-determined compensation amount to the petitioner in consideration of acquisition of his lands comprised in Survey No.350/3, situate at Siluvampatti Village, Namakkal Taluk & District, based on the re-determination award dated 26.07.2016 passed by the fourth respondent in Award No.24 of 2016 in ROC No.2603/2016/A7, with future interest by considering the petitioner's representation dated 17.10.2019.

Prayer in W.P.187 of 2020 :

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the re-determined compensation amount to the petitioner in consideration of acquisition of his lands comprised in Survey No.374/3D, situate at Siluvampatti Village, Namakkal Taluk & District, based on the re-determination award dated 26.07.2016 passed by the fourth respondent in Award No.3 of 2016 in ROC

No.2603/2016/A7, with future interest by considering the petitioner's representation dated 17.10.2019.

For petitioner ... Mr.D.Vairamoorthy
in all W.Ps.

For respondents ... Mr.D.Raja,
in all W.Ps Additional Government Pleader

COMMON ORDER

These writ petitions have been filed seeking direction to the respondents to pay the enhanced compensation under Section 28(A) of the Land Acquisition Act 1894.

2. According to the petitioners, the lands were acquired and award was also passed in the year 1988. The neighbouring land owners sought for reference under Section 18(1) of the Land Acquisition Act, 1894 and the matter was referred to Civil Court. The Reference Court, by the judgment and decree, dated 12.02.2014 in LA.O.P.Nos.5 /2007 to 173 of 2007, enhanced the compensation at the rate of Rs.35 per square feet in respect of lands abutting the main road and Rs.26/- per square feet for the interior lands. Thereafter, the petitioners made applications to the 3rd respondent seeking redetermination of award in their favour under Section 28(A)(1) of the Land Acquisition Act. Since the same has not been considered, the petitioners along with similarly placed land owners filed a writ petition in W.P.No.14187 of 2016 before this Court to direct the 3rd respondent to consider the petition and the same was disposed of by an order dated 21.04.2016 with a direction to the respondents to consider their representations taking into consideration of the judgment of the reference Court in LAOP Nos 5 of 2007 to 173 of 2007. Thereafter, the 4th respondent redetermined the amount of compensation at the rate of Rs.26/- per sq.ft. Since the same has not been paid to the petitioners, they made representations to the respondents. But, so far the redetermined compensation amount has not been paid to the petitioners. Hence, the present writ petition has been filed.

3. The fourth respondent filed a counter affidavit stating that now proposal has been sent by the second respondent/Principal Secretary, Commissioner of Revenue Administration to the Government for allotment of funds and the matter is pending with the Government. After allotment, the amount will be settled within 6 months.

4. I have heard the learned counsel for the petitioner and the learned Additional Government Pleader, appearing for the respondents.

5. Even though, the counter affidavit has been filed by the 4th respondent as early as in the month of February 2020, i.e., for more than one year, the amount has not been paid to the petitioners.

6. Considering the above facts and circumstances, the 2nd respondent is directed to consider petitioner's representation and pass suitable orders and pay the re-determination award amount to the petitioners within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Addl.Chief Secretary,
Revenue & Disaster Management Department,
Fort St.George, Chennai 600 009
2. The Principal Secretary/Commissioner of Revenue,
Administration (CRA), Ezhilagam, Chempauk,
Chennai 600 005.
3. The District Collector,
Namakkal District, Namakkal.
4. The Land Acquisition Officer and
Revenue Divisional Officer, Namakkal.

+5ccs to Mr.S.Senthil, Advocate, S.R.No.23850 to 23854
+1cc to the Government Pleader, S.R.No.24017

W.P.Nos.178, 181, 182, 184
& 187 of 2020

AJS (CO)
CS/23/06/2021