



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.2651 of 2021

1.S.Prameela Sekari
2.R.Janarthanam

... Petitioners

Vs

1.The Special Tahsildar
SIPCOT (Land Acquisition)
Irrungattukottai Village
Sriperumbudur Taluk
Kancheepuram District.

2.The Chairman & Managing Director
SIPCOT (Land Acquisition)
Irrungattukottai Scheme
19 A, Rukmani Lakshmipathy Road
Egmore, Chennai - 600 008.

3.The District Collector
Kancheepuram.
[R3 suo moto impleaded by this Court
vide order dated 17.03.2021 in WP.No.2651/2021]

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to enhance the compensation under the light of the order passed in A.S.No.177 of 2007 dated 30.11.2009 by considering petitioner's representation dated 23.10.2020.

For Petitioner : Ms.M.Rakhi

For Respondents : Mr.E.Manoharan
Special Government Pleader

ORDER

The property of the petitioners comprised in Plot Nos.63 & Plot No.69 respectively in Survey No.168/1, Block 10 at Sri Kamakshi Amman Nagar, No.102, Irungattukottai Village, Sriperumbudur Taluk, Kancheepuram District were acquired and compensation too has been paid. The petitioners chose not to prefer any appeal seeking enhancement of compensation before the competent Court. However, some of the land owners who are aggrieved by the award



amount, have sought for a reference under Section 18 of the Land Acquisition Act, 1894, and accordingly, they have approached the Sub Court, Poonamallee and their appeal was taken on file in LAOP.No.1323 of 2002. That appeared to have been allowed on 07.10.2005. The compensation originally fixed by the Land Acquisition Authority was Rs.300/- per cent, whereas the Sub Court has enhanced the compensation fixing it at Rs.3,500/- per cent with 30% solatium and additional benefits. This was challenged by the State in A.S.No.177 of 2006 before this Court, which has met with partial success when this Court by its order dated 30.11.2009, fixed the value of the land at Rs.3,000/- per cent with interest.

2. Now, merely after 11 years since then, the petitioners curiously moved the respondents with their representation dated 23.10.2020, seeking a parity in payment of compensation, pursuant to the decree in A.S.No. 177 of 2006, blissfully ignoring the fact under Section 28-A of the Land Acquisition Act. 1894, provides parity in compensation to those who have not opted for a reference under Section 18 of the Act, and has nominated the District Collector as the authority concerned.

3. Even here, the District Collector is not made a party. Since, the Court has accustomed to help the litigant, it has taken the responsibility to implead the District Collector, Kancheepuram, suo moto as the third respondent. Mr.E.Manoharan, learned Special Government Pleader takes notice for the respondents including the newly impleaded third respondent. He relied on the authority in Popat Bahiru Govardgane and Others Vs. Special Land Acquisition Officer and Another [(2013) 10 SCC 765], and would reiterate that Section 28-A of the Act stipulates only 3 months time for filing an application from the date of award in case of seeking re-determination of compensation amount.

4. Since the respondents 1 and 2 are not given to consider the representation as required by the petitioner, this Court now directs the petitioner to file a fresh representation to the District Collector, Kancheepuram, the third respondent herein, who may consider it as per law.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar



- 1.The Special Tahsildar
SIPCOT (Land Acquisition)
Irrungattukottai Village
Sriperumbudur Taluk
Kancheepuram District.
- 2.The Chairman & Managing Director
SIPCOT (Land Acquisition)
Irrungattukottai Scheme
19 A, Rukmani Lakshmipathy Road
Egmore, Chennai - 600 008.
- 3.The District Collector
Kancheepuram.

W.P.No.2651 of 2021

SKY(CO)
SB(03/08/2021)