



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.11.2021
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19846 of 2012

A.Lakshmanappa

... Petitioner

Vs

1.The District Collector,
Krishnagiri District.

2.The Sub Collector-cum-
Land Acquisition Officer,
Hosur, Krishnagiri District.

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to redetermine the compensation payable in respect of the acquisition of lands of 1.46 acres belonging to the petitioner's family comprised in S.No.390/1B Hosur Taluk, Krishnagiri District and pay the enhanced compensation in terms of Section 28 A of the Land Acquisition Act.

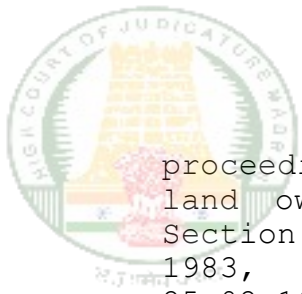
For Petitioner : No Appearance

For Respondents : Mr.A.Selvendran,
Government Advocate

O R D E R

This writ petition has been filed to issue a Writ of Mandamus, directing the respondent to redetermine the compensation payable in respect of the acquisition of lands of 1.46 acres belonging to the petitioner's family comprised in S.No.390/1B Hosur Taluk, Krishnagiri District and pay the enhanced compensation in terms of Section 28 A of the Land Acquisition Act.

2. The case of the petitioner is that the land admeasuring 29.99 acres were acquired in the year 1977 for the SIPCOT Hosur. The land admeasuring 1.46 acres was originally belonged to the petitioner's father and his brother. The lands are comprised in Survey No.390/1B and after completion of acquisition



proceedings, an award was passed on 22.04.1978. Some of the land owners have filed their objections and referred under Section 18 of the Land Acquisition Act. In L.A.O.P.No.115 of 1983, the award amount was enhanced by the award dated 25.02.1985 in respect of the land comprised in Survey Nos.395, 396. Thereafter, the petitioner being the legal heir of his deceased father Anjappa, on coming to understand about the enhancement of the compensation amount made an application for redetermination of compensation as per the award passed in L.A.O.P.No.115 of 1983 dated 25.02.1985. However, the said representation was made only on 26.09.2009.

3. The second respondent filed counter and revealed that as per the award passed in L.A.O.P.No.115 of 1983, the petitioner's father's brother namely Rajappa, son of Hanumanthappa, already filed writ petition in W.P.No.17050 of 2010 for the very same land comprised in S.No.390/1B for redetermination of compensation as per the award passed in L.A.O.P.No.115 of 1983 dated 25.02.1985, this Court by an order dated 26.08.2010 W.P.No.17050 of 2010 had dismissed the said W.P.No.17050 of 2010 on the ground that the said Rajappa did not make any representation within a period of 90 days as stipulated under the Act for redetermination of the compensation as contemplated under Section 28 A of the Land Acquisition Act, 1894. Again the present writ petition has been filed by the legal heir of the deceased father Anjappa for the very same property for redetermination of the compensation pursuant to the very same award passed in L.A.O.P.No.115 of 1983 dated 25.02.1985.

4. In fact, admittedly the petitioner made application for redetermination of compensation only on 26.09.2009 namely after 24 years from the date of the award passed in L.A.O.P.No.115 of 1983. Section 28 A of the Land Acquisition Act says about the redetermination of the amount of compensation on the basis of the award of the Court. It is relevant to extract the provision under Section 28 A of the Land Acquisition Act as follows:

"28A. Redetermination of the amount compensation on the basis of the award of the Court.

(1) Where in an award under this Part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written



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application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Court:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and made an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18."

5. As per the above said provision, the application has to be made within a period of three months from the date of the award of the Court, provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded. In the case on hand, admittedly the petitioner made application after the period of 24 years. Therefore, this writ petition is devoid of merits and liable to be dismissed.

6. Accordingly, this writ petition is dismissed. No order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



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To

1.The District Collector,
Krishnagiri District.

2.The Sub Collector-cum-
Land Acquisition Officer,
Hosur, Krishnagiri District.

+1 cc to Government Pleader Sr.NO. 57632

W.P.No.19846 of 2012

NMI (CO)
A.SK(26.11.2021)