



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.526, 13384, 17061 of 2010, 23239, 31799 of 2015
and M.P.Nos.1 of 2010 and 1 of 2015

W.P.No.526 of 2010:

Vijayalakshmi		...Petitioner
	Vs	
The Revenue Divisional Officer, Cuddalore.		...Respondent

W.P.No.13384 of 2010:

Vijayalakshmi		...Petitioner
	Vs	
The Revenue Divisional Officer, Cuddalore.		...Respondent

W.P.No.17061 of 2010:

R.Muthukonda		...Petitioner
	Vs	

1. The Collector, Cuddalore District, Cuddalore - 607 001.		
2. The District Revenue Officer, Cuddalore 607 001.		
3. The Revenue Divisional Officer, Land Acquisition Officer, Cuddalore.		...Respondents

W.P.No.23239 of 2015:

Vijayalakshmi		...Petitioner
	Vs	
The Revenue Divisional Officer, Cuddalore		...Respondent

W.P.No.31799 of 2015:

R. Muthukonda		...Petitioner
	Vs	



1. The Collector,
Cuddalore District,
Cuddalore 607 001.
2. The District Revenue Officer,
Cuddalore 607 001.
3. The Revenue Divisional Officer,
Land Acquisition Officer,
Cuddalore.

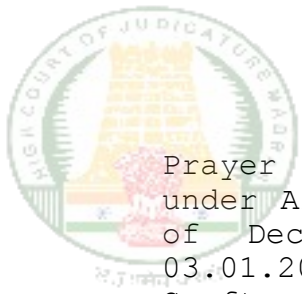
...Respondents

Prayer in W.P.No.526 of 2010: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of MANDAMUS directing the respondent to refer the proceedings in Award No.1 of 2001 dated 03.01.2001 passed by the respondent to the competent Civil Court having jurisdiction over land acquisition matters (Principal Sub-Judge, Cuddalore) to fix compensation for the property bearing T.S.No. 1497/1 1206 square feet and 1400 square feet in Thiruppadiripuliyur, Cuddalore, Cuddalore Taluk, Cuddalore District.

Prayer in W.P.No.13384 of 2010: Writ petition has been filed under Article 226 of the Constitution of India, to issue a Writ of CERTIORARIFIED MANDAMUS, calling for the records and quash the order passed by the respondent in his A1-9731-2004 dated 18.01.2010 and consequently direct the respondent to pay petitioner compensation at the rate finally decided in L.A.O.P.155 of 2001 on the file of the Sub Court, Cuddalore, for the properties measuring 1206 sq.ft and 1400 sq.ft. In T.S.No.1497 in Thiruppadiripuliyur, Cuddalore, Cuddalore Taluk, Cuddalore District.

Prayer in W.P.No.17061 of 2010: Writ petition has been filed under Article 226 of the Constitution of India, to issue a Writ of MANDAMUS directing the respondents to refer Award No.1 of 2001 dated 03.01.2001 in so far as the property of petitioner in T.S.No.1784/1A1B of extents 646 sq.ft. and 1469 sq.ft. in Thiruppadiripuliyur, Cuddalore, Cuddalore Taluk, Cuddalore District.

Prayer in W.P.No.23239 of 2015: Writ petition has been filed under Article 226 of the Constitution of India, to issue a Writ of CERTIORARI, to call for the records and quash the acquisition of property bearing T.S.No.1497/1 1206 sq.ft. in Thiruppadiripuliyur, Cuddalore, Cuddalore Taluk, Cuddalore District, under Award No.1 of 2001 dated 03.01.2001 and another 1400 sq.ft. in the same survey number as having lapsed under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act 30/2013).



Prayer in W.P.No.31799 of 2015: Writ petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring that the Award No.1/2001 dated 03.01.2001 in respect of T.S.No.1784/1A1B, 646 Sq.ft., and 1469 Sq.ft., in Thiruppadiripuliyur, Cuddalore, Cuddalore Taluk, Cuddalore District, as having lapsed under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

For Petitioner : Mr.D.Baskar
in all W.P.s

For Respondents : Mr.M.R.Gokul Krishnan,
in all W.P.s Government Advocate

C O M M O N O R D E R

The W.P.No.526 of 2010 is filed to issue a Writ of Mandamus directing the respondent to refer the proceedings in Award No.1 of 2001 dated 03.01.2001 passed by the respondent to the competent Civil Court having jurisdiction over land acquisition matters (Principal Sub-Judge, Cuddalore) to fix compensation for the property bearing T.S.No. 1497/1 1206 square feet and 1400 square feet in Thiruppadiripuliyur, Cuddalore, Cuddalore Taluk, Cuddalore District.

2. The W.P.No.13384 of 2010 is filed to issue a Writ of Certiorarified Mandamus, calling for the records and quash the order passed by the respondent in his A1-9731-2004 dated 18.01.2010 and consequently direct the respondent to pay petitioner compensation at the rate finally decided in L.A.O.P.155 of 2001 on the file of the Sub Court, Cuddalore, for the properties measuring 1206 sq.ft and 1400 sq.ft. In T.S.No.1497 in Thiruppadiripuliyur, Cuddalore, Cuddalore Taluk, Cuddalore District.

3. The W.P.No.17061 of 2010 is filed to issue a Writ of Mandamus directing the respondents to refer Award No.1 of 2001 dated 03.01.2001 in so far as the property of petitioner in T.S.No.1784/1A1B of extents 646 sq.ft. and 1469 sq.ft. in Thiruppadiripuliyur, Cuddalore, Cuddalore Taluk, Cuddalore District.

4. The W.P.No.23239 of 2015 is filed to issue a Writ of Certiorari, to call for the records and quash the acquisition of property bearing T.S.No.1497/1 1206 sq.ft. in Thiruppadiripuliyur, Cuddalore, Cuddalore Taluk, Cuddalore District, under Award No.1 of 2001 dated 03.01.2001 and another 1400 sq.ft. in the same survey number as having lapsed under the



Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

5. The W.P.No.31799 of 2015 is filed to issue a Writ of Declaration declaring that the Award No.1/2001 dated 03.01.2001 in respect of T.S.No.1784/1A1B, 646 Sq.ft., and 1469 Sq.ft., in Thiruppadiripuliyur, Cuddalore, Cuddalore Taluk, Cuddalore District, as having lapsed under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Act 30/2013).

6. The case of the petitioners is that their respective land comprised in Thiruppadiripuliyur, Cuddalore Town were acquired for the purpose of construction of the over bridge. The acquisition was notified in the Tamil Nadu Government Gazette Notification under G.O.No.(Nilai) 16 , Highways Department dated 01.02.2000. It was published in the Daily Thanthi dated 06.02.2000.

7. Accordingly, the land belongs to the petitioners were acquired and an award has been passed at Rs.40/- per square feet in Award No.1 of 2001 dated 03.01.2001 and compensation was fixed at Rs.42.50/- per square feet.

8. Though, some of the land owners filed objections and referred before the Referral Court in L.A.O.P.No.155 of 2001 dated 28.04.2006 and the compensation has been increased at Rs.490/- per square feet. The petitioners did not raise any objections for the fixation of value in so far as their property are concerned, not referred before the Referral Court. However, the Judgment and Decree passed in L.A.O.P.No.155 of 2001 is under appeal before this Court in A.S.No.462 of 2007 and it is pending. Therefore, the petitioner in W.P.Nos.526 of 2010 and 17061 of 2010 submitted representation before the Revenue Divisional Officer, Cuddalore, requested to calculate the compensation as determined by the Referral Court.

9. In W.P.No.13384 of 2010, the petitioner's request was rejected by the impugned order dated 18.01.2010 for the reason that the petitioner made representation under Section 28(A) of the Land Acquisition Act, 1894, after a period of three months from the date of Judgment. However, now the Judgment and Decree passed in L.A.O.P.No.155 of 2001 is under challenge in the appeal suit in A.S.No.462 of 2007. Therefore, the Revenue Divisional Officer, Cuddalore is directed to consider the representations of the petitioners claiming enhancement of compensation for their respective land which were acquired for the purpose of construction of over bridge subject to the result of the appeal suit in A.S.No.462 of 2007 on the file of this



Court under Section 28(A) of the Land Acquisition Act, 1894 and pay the compensation accordingly.

10. Accordingly, all the writ petitions are disposed of. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

/True Copy//

Sub Assistant Registrar

rna/rgi

To

1. The Revenue Divisional Officer,
Cuddalore.
2. The Collector,
Cuddalore District,
Cuddalore - 607 001.
3. The District Revenue Officer,
Cuddalore 607 001.
4. The Revenue Divisional Officer,
Land Acquisition Officer,
Cuddalore.

Copy to

The Principal Sub Judge,
Cuddalore.

+5ccs to Mr.D.Baskar, Advocate, S.R.No.49228,49229,49230,
48861,48862

+1cc to the Government Pleader, S.R.No.49018

W.P.Nos.526, 13384, 17061 of 2010,
23239, 31799 of 2015
and M.P.Nos.1 of 2010 and 1 of 2015

RJ[co]
NSK 28/10/2021