

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.04.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.8393 of 2021

Kaliammal

...Petitioner

-Versus-

1.The District Collector,
District Collectorate,
Tiruchengode Road,
Namakkal 637 003.

2.The Revenue Divisional Officer,
Sub Collector's Office,
Mohanur Road,
Namakkal-637001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to conduct an inquiry under Section 28-A of the Land Acquisition Act 1894 after giving notice to the Petitioner and make an award re-determining the amount of compensation payable to the petitioner's land of an extent of 0.050 Hectares comprised in Survey No. 148/6, Vallipuram village, covered by notification dated 13.8.1993 under Section 4(1) of the land Acquisition act 1894 and Award No 2/95 dated 24.8.1995 of the land acquisition officer and Special Tahsildar (LA) Bye-Pass Road Namakkal.

For Petitioner : Mr.T.A.Shagul Hameed

For Respondent(s) : Mr.V.Ananthamurthy,
Additional Government
Pleader for RR1 and 2

ORDER

This writ petition has been filed seeking a writ of mandamus directing the respondents to conduct an inquiry on the application made by the petitioner dated 12.10.2017 under Section 28-A of The Land Acquisition for redetermination of quantum of compensation on the basis of the Common Award dated 22.09.2017 made in L.A.O.P.No.1 of 2005, etc. batch cases by the learned Subordinate Judge, Namakkal, Namakkal District.

2. According to the petitioner, his land measuring an extent of 0.05.0 Hectares comprised in S.No.148/6 at Vallipuram Village was acquired for the formation of Bye-Pass Road to NH7 and an award was also passed by the Special Tahsildar (LA). Dissatisfied with the quantum of compensation, some of the similarly placed land owners submitted objections under Section 18 of The Land Acquisition Act to the Special Tahsildar, who, in turn, referred the same to the Subordinate Court, Namakkal. The learned Subordinate Judge, who took those reference on file in L.A.O.P.Nos.1 to 9 of 2005 and 1, 2, 3, 5, 6,7, 63, 66, 69 , 71 and 72 of 2006, on considering the materials placed on record by the parties, by common award dated 22.09.2017, determined the fair value of the land. The lands involved in the above said proceedings were also acquired under the same notification in which the land belonged to the petitioner was acquired for the formation of Bye-Pass Road to NH-7 at Vallipuram village and therefore, he is entitled for enhanced compensation under Section 28-A of the Land Acquisition Act.

3. The grievance of the petitioner is that though he made an application under Section 28-A of The Land Acquisition to the respondents as early as in the year 2017 seeking for re-determination of quantum of compensation in respect of his land covered under the same Notification dated 13.08.1993 issued under Section 4(1) of The Land Acquisition Act, 1894, the same has not been considered by the respondents.

4. Considering the limited nature of relief sought for in this writ petition and the other facts and circumstances of the case, this court directs the 1st respondent to take appropriate decision on the application made by the petitioner, dated 12.10.2017, under Section 28-A of the Land Acquisition Act for enhanced compensation, on merits and in accordance with law, if necessary hold an enquiry after giving reasonable opportunity of hearing to the petitioner. The above said exercise shall be completed by the 1st respondent within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The District Collector,
District Collectorate,
Tiruchengode Road,
Namakkal 637 003.

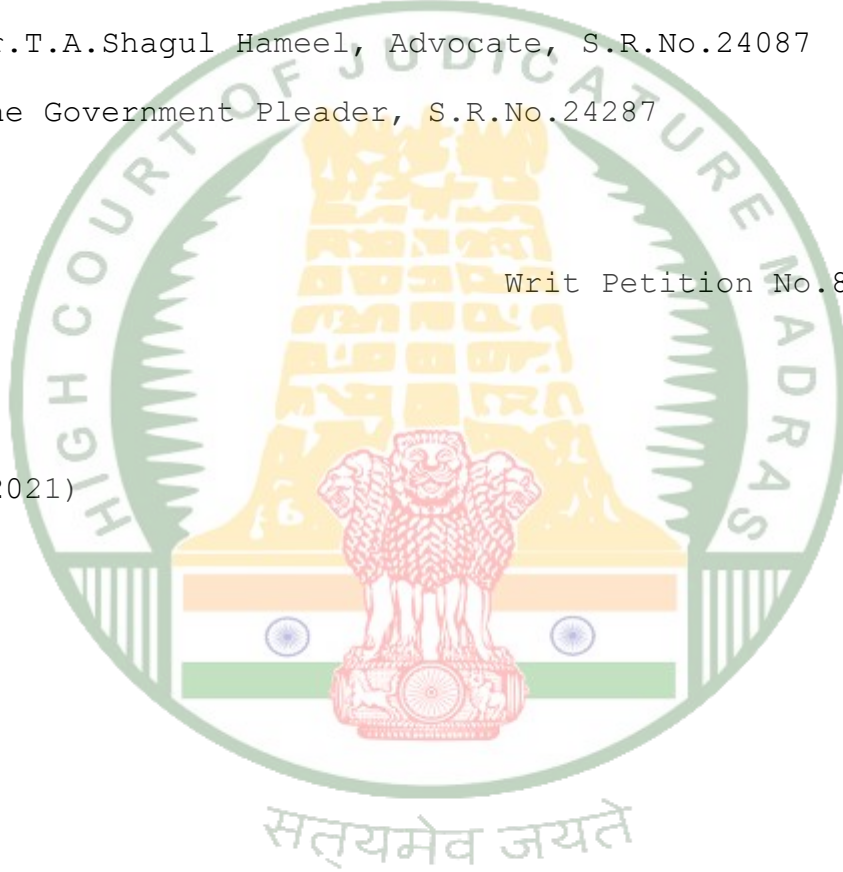
2.The Revenue Divisional Officer,
Sub Collector's Office,
Mohanur Road,
Namakkal-637001.

+1cc to Mr.T.A.Shagul Hameel, Advocate, S.R.No.24087

+1cc to the Government Pleader, S.R.No.24287

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LN (CO)
RN (11/06/2021)



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