



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.No.14256 of 2019

K.Ganesan

...Petitioner

Vs

1. The Secretary to Government,
Government of Tamilnadu,
Housing and Urban Development Department,
Fort St.George, Chennai-9

2. The Member Secretary,
Chennai Metropolitan Development Authority,
'Thalamuthu Natarajar Maligai,
Gandhi Irwin Road,
Egmore, Chennai-8

3. The Special Tahsildar (LA) III and
Land Acquisition Officer,
CMDA, Guindy, Chennai 600 032

...Respondents

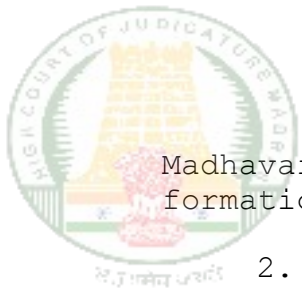
Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 17.09.2018 for enhancement of compensation in terms of the judgment rendered in LAOP.No.2597 of 1998 batch dated 02.09.2015 on the file of the Sub Court, Ponneri, in respect of his lands in survey No.786/2 (1.54 acres) at Madhavaram Village, then Saidapet Taluk, that was acquired for formation of bus and truck terminal by the MMDA (now CMDA).

For Petitioners : Mr.R.Bharanidharan

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 17.09.2018 for enhancement of compensation in terms of the judgment rendered in LAOP.No.2597 of 1998 batch dated 02.09.2015 on the file of the Sub Court, Ponneri, in respect of his lands in survey No.786/2 (1.54 acres) at



Madhavaram Village, then Saidapet Taluk, that was acquired for formation of bus and truck terminal by the MMDA (now CMDA).

2. The petitioner's lands comprised in survey no.786/2 to an extent of 1.54 acres situated at Madhavaram were acquired for formation of bus and truck terminal by the third respondent. After completion of all formalities, award was passed in award No.2 of 1986 dated 01.04.1986, thereby fixing compensation at Rs.80/- per cent and the petitioner was awarded with Rs.12,320/- for one acre and 54 cents with solatium at Rs.3,696/- with interest at the rate of 12% from the date of notification i.e. from 12.01.1983 to 01.04.1986. Some of the land owners aggrieved by the said award, raised objections and made reference under Section 18 of the Land Acquisition Act before the Sub Court, Ponneri. In the batch of land acquisition original petitions, the compensation had been enhanced from Rs.80/- to Rs.11,419/- per cent with 30% solatium with interest at the rate of 12% from the date of notification till the award and 9% till the payment of compensation. On the strength of the said judgment and decree, the petitioner made representation on 17.09.2018 claiming compensation on par with the judgment and decree passed in LAOP under Section 28A of the Land Acquisition Act, 1894. However, the third respondent replied that aggrieved by the judgment and decree passed in LAOP's, the third respondent preferred appeal suits before this Court in AS.Nos.431 to 477 of 2016 and all the appeal suits are pending before this Court.

3. Therefore, though the petitioner submitted application dated 17.09.2018 on the strength of the judgment and decree passed in LAOP.No.2597 of 1998 dated 02.09.2015 belatedly beyond the period as stipulated under Section 28A of the Land Acquisition Act, since the third respondent filed appeal suits and all the appeal suits are pending before this Court, the petitioner is at liberty to make fresh representation subject to the result of the appeal suits in AS.Nos.431 to 477 of 2016 on the file of this Court under Section 28A of the Land Acquisition Act before the respondents.

4. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

lok



To

1. The Secretary to Government,
Government of Tamilnadu,
Housing and Urban Development Department,
Fort St.George, Chennai-9
2. The Member Secretary,
Chennai Metropolitan Development Authority,
'Thalamuthu Natarajar Maligai,
Gandhi Irwin Road,
Egmore, Chennai-8
3. The Special Tahsildar (LA) III and
Land Acquisition Officer,
CMDA, Guindy, Chennai 600 032

+1cc to the Government Pleader, S.R.No.59801

WP.No.14256 of 2019

PA(CO)
RGA(02/12/2021)