



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NOS.14636, 14637, 14640,
14642, 14643 & 14645 OF 2021

1. C.Gopi
2. Govindammal
3. Boopathy ... Petitioners in WP.No.14636 of 2021

1 J.Venkatesan
2 J.Lakshmanan ... Petitioners in WP No.14637 of 2021

1 J.Venkatesan
2 J.Muthulakshmi
3 J.Lakshmanan ... Petitioners in WP No.14640 of 2021

1 Narayini
2 D.Baskaran
3 Tamilselvi
4 Kalaiselvi
5 Bharathi
6 Dhinakaran
7 Manoharan
8 Vimala Geetha
9 Diwakaran
10 Anitha ... Petitioners in WP No.14642 of 2021

1 Vasantha
2 Shanthi
3 Kasthuri
4 Rukmangadam
5 Govindaraj
6 Thirupurasundari ... Petitioners in WP No.14643 of 2021

1 P.Venkatesan
2 C.Gopi
3 Govindammal
4 Boopathy ... Petitioners in WP No.14645 of 2021



Vs

1. The District Collector,
Kancheepuram.

2. The Special Tahsildar, (LA),
Chennai City Waterways Scheme,
Ambattur, Chennai 53

... Respondents in all WPs

Prayer:-

These Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to redetermine the compensation under Section 28A of Land Acquisition Act, in respect of petitioners' land (i) situate in 317/2 measuring 0.27.0 hectare (in WP.No.14636/2021) (ii) situate in S.No.320, measuring 0.49.5 hectare (in WP.No.14637/2021) (iii) situate in S.No.321 measuring 0.56.5 hectare (in WP.No.14640/2021) (iv) situate in S.No.316/2B, 319/1, 322/1, 322/2A measuring 0.07.5 hectare, (in WP.No.14642/2021) (v) situate in S.No.318, 319/2 measuring 0.67.5 hectare, (WP.No.14643/2021) (vi) situate in S.No.328/1A, measuring 0.20.0 hectare, (in WP.No.14645/2021) Thirumudivakkam Village, Pallavaram Taluk, Kancheepuram District, in respect of the Award No.4 of 2007, dated 30.11.2007 on the file of the 2nd respondent, based on the order passed in respect of the adjoining lands in C.A.9526 to 9530 of 2018 dated 12.09.2018 on the file of the Supreme Court respectively.

For petitioner
in all W.Ps. ... Mr.R.Subramanian

For respondents ... Mr.Yogesh Kannadasan,
in all W.Ps. Government Advocate

COMMON ORDER

These writ petitions have been filed seeking a direction to the first respondent to redetermine the compensation.

2. According to the petitioners, the petitioners lands were acquired for improving Chennai City Water Scheme and an award was also passed on 30.11.2007 by fixing very less compensation. The neighbouring land owners filed application, under Section 18 Land Acquisition Act, seeking for reference and on the reference, compensation was enhanced, which was also confirmed by this Court in an appeal. Aggrieved persons also filed



Special Leave Petition before the Hon'ble Supreme court and the Hon'ble Supreme Court, by an order dated 12.09.2018, enhanced the compensation to Rs.50,000/- per cent.

3. According to the petitioners, after coming to know about the same, they made a representation before the authorities in the month of the November 2018, under Section 28(A) of the Land Acquisition Act, seeking for enhancement of compensation as per the order passed by the Hon'ble Supreme Court. But, the said representation was not considered. Hence, the petitioners has sent reminders repeatedly. But, no order has been passed so far. Hence, the present writ petition has been filed.

4. The learned counsel for the petitioners would submit that since the petitioners application is pending for a long time, the first respondent/District Collector, may be directed to consider their representation and pass suitable orders after giving opportunity to the petitioners.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

"6. Considering the facts and circumstances of the case and the limited prayer sought for in the writ petitions, and the fact that the petitioners' representation dated 21.12.2020 seeking for enhancement of compensation under Section 28-A of the Land Acquisition Act, is pending with the first respondent for a long time, without going into the merits of the case, the first respondent is directed to consider the petitioners representation dated 21.12.2020 and pass suitable orders on merit and in accordance with law, after hearing the petitioners, within a period of six weeks from the date of receipt of a copy of this order."

7. With the above directions, all the Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS III)10/08/21

***Deleted & Substituted as per order dated 31/01/2022
in WP Nos.14636, 14637, 14640, 14642, 14643 & 14645 of 2021**

Sd/-

Assistant Registrar(CS-III)02/02/2022

//True Copy//

Sub Assistant Registrar

mrp



To

1. The District Collector,
Kancheepuram.

2. The Special Tahsildar, (LA),
Chennai City Waterways Scheme,
Ambattur, Chennai 53.

To be Substituted the order
Already despatched on
21/09/2021

+1cc to Mr.R.Subramanian, Advocate, S.R.No.(33155) **5986**

+1cc to the Government Pleader, S.R.No.33945

W.P.Nos.14636, 14637, 14640, 14642,
14643 & 14645 of 2021 of 2021

GPL(CO)
CS/20/09/2021
CB(02/02/2022)