



W.P.Nos.14077 & 14078 of 2021

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V.BHARATHIDASAN, J.

Earlier, this Court by common order dated 15.07.2021 disposed the above Writ Petitions directing the respondents to consider the petitioners' representations seeking for enhancement of compensation under Sec. 28-A of Land Acquisition Act, which are pending with the 1st respondent. Now stating that as the date of representation was not mentioned in the order, the 1st respondent is not considering petitioners' representation. Hence, the matters were listed today under the caption "For being mentioned."

2. Mr.R. Subamaniam, learned counsel appearing for petitioners submitted that, since the date of representation was not mentioned in the order, the 1st respondent is not considering their representations. Hence, he prayed to modify the order and issue fresh copy of order.

3. Considering his submissions, the order is modified as follows:-

Para-6 of the order shall be substituted as follows:



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"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."

4. Registry is directed to incorporate the above correction in the Order of this Court in W.P.Nos.14077 & 14078 of 2021 dated 15.07.2021 and issue fresh order copy to the petitioners.

31.01.2022

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N.B. : Issue order copy on 02.02.2022

V.BHARATHIDASAN, J.



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31.01.2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021



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THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. Nos. 14077 and 14078 of 2021

D.Baskaran,
S/o. Devan

.. Petitioner in W.P.
No.14077 of 2021

M.Mekka Pillai,
S/o. Muniya Pillai

.. Petitioner in W.P.
No.14078 of 2021

Vs.

1. The District Collector,
Kancheepuram.
2. The Special Tahsildar, (LA),
Chennai City Waterways Scheme,
Ambattur, Chennai 53

.. Respondents in
both W.P.s

PRAYER in W.P. No.14077 of 2021 :- Writ Petition has been 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 situate in S. No.282A/1B measuring 0.09.5 hectare, Thirumudivakkam Village, Pallavaram Taluk, Kancheepuram District, in respect of the Award No.3 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.No.9526 to 9530 of 2018 dated 12.09.2018 on the file of the Supreme



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Court.
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PRAYER in W.P. No.14078 of 2021 :- Writ Petition has been 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 situate in S. No.327/1A, measuring 0.27.5 hectare, 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.No.9526 to 9530 of 2018 dated 12.09.2018 on the file of the Supreme Court.

For Petitioner in both W.P.s ... Mr.R.Subramanian

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

COMMON ORDER

(This case has been heard through video conference)

These writ petitions have been filed seeking a direction directing the first respondent to redetermine the compensation under Sec.28-A of Land Acquisition Act.

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



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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 the appeal. Aggrieved persons have 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 from Rs. 1500/- per cent to Rs.50,000/- per cent.

3. According to the petitioners, after coming to know about the same, they have made a representations 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 representations were not considered. Hence, the petitioners have sent reminders repeatedly. So far, no orders have been passed on it. Hence, the present Writ Petitions have been filed by the petitioners.

4. Mr.R.Subramanian, learned counsel appearing for petitioners would submit that, since the petitioners application is pending for a long time, the first respondent/District Collector, may be directed to consider



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their representation and pass suitable orders after giving opportunity to the petitioners.

5. Heard the learned counsel appearing for the petitioner as well as learned Government Advocate appearing for the respondents and perused the records.

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 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 and pass suitable orders on merit and in accordance with law, after hearing the petitioners, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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



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15.07.2021

Index: Yes/ No
Internet: Yes/No
Speaking Order/Non-speaking Order
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To

1. The District Collector,
Kancheepuram.
2. The Special Tahsildar, (LA),
Chennai City Waterways Scheme,
Ambattur, Chennai 53



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15.07.2021