



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. Nos.22199, 22208, 22212, 22217, 22219, 22224 and 22226 of
2021

P. Venkatachalam, ... Petitioner
(In W.P. No.22199 of 2021)

1. Sivakami,
2.K. Kanagaraj , ... Petitioners
(In W.P. No.22208 of 2021)

1. P. Venkatachalam,
2. P. Rukmani,
3. Alamelu ... Petitioners
(In W.P. No.22212 of 2021)

K. Parvathi @ Vasantha ... Petitioner
(In W.P. No.22217 of 2021)

1. M. Lakshmanan,
2. M. Kandasami, ... Petitioners
(In W.P. No.22219 of 2021)

Mahakrishnan, ... Petitioner
(In W.P. No.22224 of 2021)

Sivakami, ... Petitioner
(In W.P. No.22226 of 2021)

-Vs-

1.The District Collector,
Namakkal District,
Namakkal.



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2. The Special Tahsildar, (Land Acquisition),
Salem - Karur Broad Gauge,
Railway Line Project,
Namakkal.

... Respondents
(In all Writ Petitions)

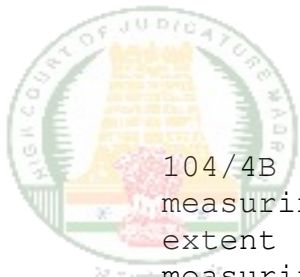
COMMON PRAYER: These Petitions have been filed under Article 226 of the Constitution of India, praying for to issue Writ of Mandamus directing the respondents to pass fresh award by determining the amount of compensation in accordance with Section 28A of the Land Acquisition Act, 1894 in the light of Judgment and Decree dated 17.02.2021, made in L.A.O.P. No.2 of 2018 on the file of the sub-ordinate Court, Rasipuram with respect to the land acquired from the petitioners herein, comprised in Survey Nos.103/2B and 105/4B measuring an extent of 0.12.5 Hectare, 134/5B, 134/6A and 1347B, measuring an extent of 0.19.5 Hectare, 104/4B measuring an extent of 0.21.5 Hectare, 103/6B and 103/7A2 measuring an extent of 0.19.0 Hectare, 153/6B1 measuring an extent of 0.07.0 Hectare, 161/2A2, 161/2B2 and 161/3A2, measuring an extent of 0.31.0 Hectare, and 97/1B, measuring an extent of 0.11.5 Hectare, situated in Athanur Village, Rasipuram Taluk, Namakkal District, based on the representation of the petitioners' dated 13.08.2021, 13,08.2021, 13,08.2021, 14.08.2021, 19.08.2021 and 19.08.2021 respectively and pass appropriate orders accordingly.

For Petitioners :: Mr. S. Senthil
(For D. Vairamoorthy)

For Respondents :: Mr. V. Veluchamy
(Government Advocate)
(in All Writ Petitions)

C O M M O N O R D E R

These Writ Petitions have been filed under Article 226 of the Constitution of India, praying for to issue Writ of Mandamus directing the the respondents to pass fresh award by determining the amount of compensation in accordance with Section 28A of the Land Acquisition Act, 1894 in the light of Judgment and Decree dated 17.02.2021, made in L.A.O.P. No.2 of 2018 on the file of the sub-ordinate Court, Rasipuram with respect to the land acquired from the petitioners herein, comprised in Survey Nos.103/2B and 105/4B measuring an extent of 0.12.5 Hectare, 134/5B, 134/6A and 1347B, measuring an extent of 0.19.5 Hectare,



104/4B measuring an extent of 0.21.5 Hectare, 103/6Band 103/7A2 measuring an extent of 0.19.0 Hectare, 153/6B1 measuring an extent of 0.07.0 Hectare, 161/2A2, 161/2B2 and 161/3A2, measuring an extent of 0.31.0 Hectare, and 97/1B, measuring an extent of 0.11.5 Hectare, situated in Athanur Village, Rasipuram Taluk, Namakkal District, based on the representation of the petitioners' dated 13.08.2021, 13,08.2021, 13,08.2021, 14.08.2021, 19.08.2021 and 19.08.2021 respectively and pass appropriate orders accordingly.

2. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents as well as perused the material available on records.

3. Having considering the facts and circumstances of the case and the submissions of the learned counsel on either side, it is seen that the property in Survey Nos.103/2B and 105/4B measuring an extent of 0.12.5 Hectare, 134/5B, 134/6A and 1347B, measuring an extent of 0.19.5 Hectare, 104/4B measuring an extent of 0.21.5 Hectare, 103/6Band 103/7A2 measuring an extent of 0.19.0 Hectare, 153/6B1 measuring an extent of 0.07.0 Hectare, 161/2A2, 161/2B2 and 161/3A2, measuring an extent of 0.31.0 Hectare, and 97/1B, measuring an extent of 0.11.5 Hectare situated in Athanur Village, Rasipuram Taluk, Namakkal District, was acquired by the respondents for the purpose of forming Salem-Karur Broad Gauge Railway Line in Athanur Village under Section 4(1) of the Land Acquisition Act, 1894, by fixing the compensation at Rs.2,05,140/- per Hectare for wet lands and at Rs.74,100/- per Hectare for the Dry lands by award dated 30.10.1999 in Award No.13/1999-2000 vide ROC No.82/98 Unit-I. The petitioners herein appeared for the award enquiry and gave their deposition stating that the value determined by the 2nd respondent is lower than the prevailing market value, however, they received the said compensation under protest. Being dissatisfied by the award for compensation, the petitioners have made representations dated 13.08.2021, 14.08.2021, 19.08.2021 and 19.08.2021 before the respondents herein relying upon the Judgment and Decree dated 17.02.2021 made in L.A.O.P. No.2 of 2018 passed by the Sub-Ordinate Judge, Rasipuram, which was passed based upon the Judgment and Decree dated 09.04.2018 made in L.A.O.P. No.79 of 2018 on the file of the Sub-ordinate Court, Rasipuram, seeking to enhance the compensation uniformly @ Rs.25/- per Sq.Ft. in respect of both the wet and dry lands, in accordance with Section 28A of the Land Acquisition Act, 1894. Even after receipt of the aforesaid representations sent by the petitioners herein, the respondents neither sent any reply nor passed any orders on their representations so far. Hence, this



Court directs the respondents to consider their above representations and pass appropriate orders in accordance with law within a period of four months from the date of receipt of copy of this order after affording sufficient opportunity of hearing to the petitioners herein.

4. In the result, the Writ petitions are disposed of accordingly. Consequently, connected miscellaneous petitions are closed if any. There shall be no order as to costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Lbm
To:

1. The District Collector,
Namakkal District,
Namakkal.
2. The Special Tahsildar, (Land Acquisition),
Salem - Karur Broad Gauge,
Railway Line Project,
Namakkal.

+1cc to the Government Pleader Sr.54614
+7cc to Mr.S.Senthil, Advocate Sr.53934, 53935, 53936, 53937,
53938, 53939 and 53940

W.P. Nos.22199, 22208, 22212, 22217, 22219, 22224 and 22226 of
2021

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srg 27/01/2022