



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.28701 of 2019

R. Sundaram

...Petitioner

Vs

1. The District Collector
Office of the Kancheepuram Collectorate,
Kancheepuram District,
Kancheepuram.
2. The Special Tahsildar (Land Acquisition),
MMRD Scheme,
Office of the Special Tahsildar IRR Scheme
Highways Building,
(Opposite to Noorjahan Theatre),
Saidapet, Chennai 600 015

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to re-determine the compensation payable to the petitioner along with interest, as per the order of the 2nd respondent dated 14.07.2004 in Na.Ka.6/80 A, in pursuant to the directions of this Court in W.P.No.32267 of 2002.

For petitioner ... Mr.P. Dinesh Kumar,

For respondents ... Mr. KMD. Muhilan,
Government Advocate

ORDER

This writ petition has been filed seeking a direction to the 1st respondent to re-determine the compensation under Section 28-A of the Land Acquisition Act.

2. According to the petitioner, his land was acquired under Act 1 of 1894 and award was also passed. Not being satisfied with the award, some of the neighbouring land owners sought for reference under Section 18 of the Act and the same was allowed, thereby, the market value of the land was fixed at Rs.15,000/-



per cent. Thereafter, the petitioner has filed an application under Section 28-A of the Act seeking for the enhanced compensation on par with the neighbouring land owners. Earlier, the 2nd respondent by an order dated 14.07.2004, redetermined the compensation. Subsequently, the 2nd respondent himself by an order dated 08.02.2012 rejected the redetermination. Challenging the above order, some of the land owners have filed a writ petition in W.P.No.9254 to 9257, etc., of 2012 and this Court, by an order dated 22.02.2017 set aside the order passed by the 2nd respondent and directed the respondents to re-determine the compensation as per the proceedings dated 14.07.2004. The relevant portion of the order reads as follows :-

22. The following common order is passed

(i) The respective impugned orders are set aside and the writ petitions are allowed.

(ii) if there is any individual case covered in this common order, wherein the application for redetermination under Section 29-A has already been rejected, in the light of the joint submissions made by the learned counsel for the petitioner and the learned Additional Government pleader, such a case shall also be taken up and re-determined afresh.

(iii) The respondents are directed to disburse the re-determined compensation to the writ petitioners, as redetermined as per proceedings dated 14.07. bearing Ref.Na.Ka.6/80 of the 2nd respondent.

(iiv) Both the respondents are directed to ensure that such disbursement is made within a period of three months from the date of receipt of a copy of this order."

Pursuant to the above said order, enquiry was also conducted by the first respondent District Collector on 25.09.2017, in which, the petitioner was appeared and his statement was also recorded. Thereafter, no order has been passed. Hence, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that even though enquiry was over in the year 2017, so far no order has been passed.

4. The learned Government Advocate, appearing for the respondents, would submit that since enquiry was already over, the first respondent/District Collector may be directed to pass suitable orders.

5. Considering the facts and circumstances of the case and considering limited prayer sought for in the writ petition, the



first respondent is directed to pass appropriate order in the light of the order passed by this Court in W.P.Nos.9254 to 9257, etc., of 2012, dated 22.02.2017, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The District Collector
Office of the Kancheepuram Collectorate,
Kancheepuram District,
Kancheepuram.
2. The Special Tahsildar (Land Acquisition),
MMRD Scheme,
Office of the Special Tahsildar IRR Scheme
Highways Building, (Opposite to Noorjahan Theatre),
Saidapet, Chennai 600 015

+1cc to M/s.M.R.Kuyilan, Advocate, S.R.No.36385

W.P. No.28701 of 2019

RGA(31/08/2021)