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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15019 of 2011

S.Pavadai

... Petitioner

Vs.

1.The Collector,  
Cuddalore District.

2.The Tahsildar  
Cuddalore.

3.The Sub-Registrar,  
Joint - II,  
Cuddalore.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records and quash the proceedings of the second respondent in his proceedings Na.Ka.A4-13057-2010 dated 04.05.2011 and consequently direct respondents 1 and 2 to pay petitioner enhanced compensation of Rs.3,27,752/- with interest for the property bearing old S.No.61/- Ac.1.25 = New S.No.128/1 Hec. 0.50.5 in Pachayankuppam Village, Cuddalore Taluk.

For Petitioner : M/s.R.Gururaj

For Respondents : Mr.M.Murali for R1 and R2  
Government Advocate  
Mr.Yogesh Kannadasan for R3  
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records and to quash the proceedings of the second respondent in his proceedings Na.Ka.A4-13057-2010 dated 04.05.2011 and to



consequently direct respondents 1 and 2 to pay the petitioner, enhanced compensation of Rs.3,27,752/- with interest for the property bearing old S.No.61/- Ac.1.25 = New S.No.128/1 Hec. 0.50.5 in Pachayankuppam Village, Cuddalore Taluk.

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2.The case of the petitioner is that the petitioner is the owner of the subject property. A portion of the subject property was acquired by the respondent for construction of bridge by mutual consent with an assurance of compensation at the guideline value and other additional benefits, however, the petitioner was paid only a meagre amount as compensation. Hence, the petitioner made representation to the respondents seeking enhanced compensation and since there was no action, he filed W.P.No.3136 of 2011 before this Court. This Court vide order dated 10.02.2011 directed the respondents to consider the petitioner's representation and to pass orders. Thereafter, the impugned order came to be passed. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the land was acquired by the respondents through private negotiations and compensation amount was also fixed through private negotiations, however, the compensation awarded is not adequate. Hence, the impugned order is liable to be interfered with.

4.Heard the arguments advanced on either side. Though the case is of the year 2011, the respondents have not yet filed a counter affidavit.

5.This Court perused the impugned order. The impugned order has been passed on the ground that there is no provision available for enhancement of compensation. It is true that the second respondent is not entitled to fix higher compensation. However, the petitioner is entitled for fair compensation. Hence, this Court is inclined to set aside the impugned order. The impugned order dated 04.05.2011 is set aside. Liberty is granted to the petitioner to file claim petition before the first respondent, within a period of two weeks from the date of receipt of a copy of this order and to produce the relevant documents, if any, for enhancement of compensation. If any such claim petition is filed by the petitioner, the first respondent shall consider the same and pass appropriate orders, in terms of the Land Acquisition Act, within a period of twelve weeks thereafter.



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6. With the above observations, the writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1. The Collector,  
Cuddalore District.

2. The Tahsildar  
Cuddalore.

3. The Sub-Registrar,  
Joint - II,  
Cuddalore.

+1cc to Government Pleader SR.No.15077

W.P.No.15019 of 2011

GPL (CO)  
GMY (17/03/2022)