



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.9715 & 9719 of 2022

1.Mallika
2.Chandran
3.Kaliayannan
4.Pappa

...Petitioners in both WPs

5.Varathappan

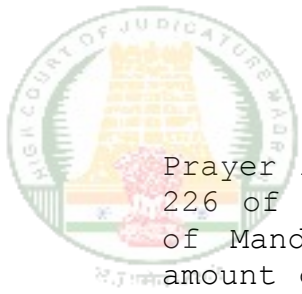
...Fifth Petitioner in
W.P.No.9715 of 2022

Vs.

1.The District Collector,
District Collectorate Complex,
Thiruchengode Road,
Namakkal Town & District.

2.The Land Acquisition Officer/
The Revenue Divisional Officer,
Namakkal District Master Plan Complex,
Office of the Revenue Divisional Officer,
Mohanur Road,
Namakkal Town & District. ... Respondents in both WPs

Prayer in W.P.No.9715 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents for making payment of amount of enhanced compensation to the petitioners in respect of their respective shares as determined by the 2nd respondent in his award of re-determination of compensation dated 17.08.2016 in Award No.38/2016, vide Roc.No.2603/2016/A7, pertaining to the petitioners' land situated in Siluvampatti Village, Namakkal Taluk & District, comprised in S.No.390/2, measuring in an extent of 1.11.5 Hectare (1,19,966.418 Square feet), without depositing the same to the Court by considering the petitioners representation dated 21.02.2022.



Prayer in W.P.No.9719 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents for making payment of amount of enhanced compensation to the petitioners in respect of their respective shares as determined by the 2nd respondent in his award of re-determination of compensation dated 17.08.2016 in Award No.9/2016, vide Roc.No.2603/2016/A7, pertaining to the Petitioners' land situated in Siluvampatti Village, Namakkal Taluk & District, comprised in S.No.377/6, measuring in an extent of 0.91.5 Hectare, without depositing the same to the Court by considering the petitioners representation dated 19.02.2022.

For Petitioners : M/S.S.Senthil
(in both WPs)

For Respondents : Mr.P.Sathish
(in both WPs) Additional Government Pleader

COMMON ORDER

Since the issue involved and the relief sought for in these two Writ Petitions, are identical in nature, the same were heard together and disposed of by this common order.

2. The case of the petitioners is that, their lands were acquired for the purpose of constructing the Master Plan Complex in Siluvampatti Village, Namakkal Taluk and District, for which the second respondent had passed an Award dated 17.03.1999 in Award Nos.8/98 and 11/98 respectively. As against that award, one of the land holders preferred an application under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act"). Accordingly, the matter was referred to Competent Civil Court in L.A.O.P No.36 of 1999, which was disposed on 30.11.1999 and L.A.O.P. No.25 of 1999, which was disposed on 31.03.2000 respectively. In order to avail the benefit of the award, the petitioners have applied for re-determination of amount of compensation under Section 28A of the said Act in respect of the subject lands to the second respondent on 30.04.2014, based upon the Award passed in L.A.O.P. No.26 of 2007 and L.A.O.P. Nos.5 to 173 of 2007 filed by the similarly placed land losers, who are covered under the same Notification and award dated 17.03.1999 in Award No.8/1998 and 25.05.1999 in Award No.11/1998. While that being so, the second respondent had passed an award re-determining the compensation in respect of the subject properties on 17.08.2016 in Award No.38 of 2016 and Award No.9 of 2016 respectively, enhancing the amount of



compensation pertaining to the subject lands. Further, the second respondent has ordered to deposit the enhanced amount of compensation. However, till date, the compensation amount was not paid to the petitioners. Again, the petitioners have jointly made their representations dated 21.02.2022 and 19.02.2022, seeking for enhanced compensation for their respective shares as determined by the second respondent. As the said representations made by the petitioner has evoked no response from the respondents, the petitioners have filed these Writ Petitions for the aforesaid relief.

3. The learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the second respondent to pay the compensation amount in terms of Section 28A of the said Act in Award No.38 of 2016 and Award No.9 of 2016 dated 17.08.2016 and pass orders on the same, within the particular time frame fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents has no objection for the said order being passed.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the second respondent to disburse the enhanced compensation amount to the eligible persons in terms of Section 28A of the said Act in Award No.38 of 2016 and Award No.9 of 2016 dated 17.08.2016, based on the petitioner's representations dated 21.02.2022 and 19.02.2022 in the respective Writ Petitions and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

jd/rap



To

1. The District Collector,
District Collectorate Complex,
Thiruchengode Road,
Namakkal Town & District.

2. The Land Acquisition Officer/
The Revenue Divisional Officer,
Namakkal District Master Plan Complex,
Office of the Revenue Divisional Officer,
Mohanur Road,
Namakkal Town & District.

+1 cc to the Government Pleader sr27524
+2 cc to M/s.S.Senthil Advocate sr27221,27222,

W.P.Nos.9715 & 9719 of 2022

ad(co)
aa02/06/2022
aa07/06/2022