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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32220 of 2014
and M.P.Nos.1 of 2014

Govindasamy

...Petitioner

Vs.

1.The Secretary to Government,
Public (Military) Department,
Fort St.George, Chennai 9.

2.The District Collector,
Vellore District.

3.The Special Tahsildar (LA),
Naval Air Station Project,
Arakkonam, Vellore District.

4.The Defense Estate Officer,
Chennai Circle,
Fort St.George,
Chennai 9.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner enhanced compensation at the rate of Rs.750.00 per cent in respect of the lands comprised in S. No.40/1, 41/1, 39/3A and 39/1 having an extent of 0.52.5 Hectare, 0.20.0 Hectare, 2.43.5 Hectare, and 0.09.5 Hectare respectively, Cheyyur Village, Arakkonam Taluk, which land are also been acquired for the Naval Air Station, Arakkonam, together with all statutory benefits in the light of the judgment of the Honourable Supreme Court made in C.A. No. 6899 of 2012 dt 18.2.2010.

For Petitioners : Mr.G.Jeremiah

For RR1 to RR3 : Mr.V.Veluchamy
Additional Government Pleader



For RR4

: Mr.P.R.Ramesh Babu
Senior Standing Counsel

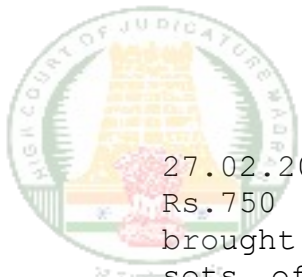
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O R D E R

The petitioner has filed this Writ Petition seeking issuance of writ of Mandamus directing the respondents to pay the petitioner enhanced compensation at the rate of Rs.750.00 per cent in respect of the lands comprised in S. No.40/1, 41/1, 39/3A and 39/1, having an extent of 0.52.5 Hectare, 0.20.0 Hectare, 2.43.5 Hectare, and 0.09.5 Hectare respectively, Cheyyur Village, Arakkonam Taluk, which land are also been acquired for the Naval Air Station, Arakkonam, together with all statutory benefits in the light of the judgment of the Honourable Supreme Court made in C.A. No. 6899 of 2012 dt 18.2.2010.

2. The case of the petitioners is that the 1st respondent herein had issued a notification under Section 4(1) of the Land Acquisition Act, 1880, dated 08.09.1987 to acquire a huge extent of lands in several villages, situate in Arakkonam Taluk, for the purpose of establishing a Naval Air Station and thereby, various extents of lands situate in Cheyyur Village, Arakkonam Taluk, belonging to the petitioner and his mother Rajammal, had been acquired and the compensation was awarded vide Award dated 14.03.1998. Being not satisfied with the said award amount, the petitioner's mother preferred L.A.O.P.Nos.80 and 81 of 1994 before the Reference Court, viz., Subordinate Judge, Ranipet. Persons identically situated as the petitioner also preferred LAOP seeking enhancement of compensation. It is further alleged by the petitioner that during the pendency of the said L.A.O.P. Nos.80 and 81 of 1994, the petitioner's mother died. Thereafter, the said L.A.O.P. Nos.80 and 81 of 1994 were decided by passing an award dated 31.10.2000, enhancing the compensation payable to Rs.450 per cent.

3. It is alleged by the petitioner that one of the land owners filed an appeal against the LAOP orders and this Court allowed the appeal enhancing the compensation payable at Rs.750 per cent and the said order of this Court has also been confirmed by the Hon'ble Apex Court. Thereafter, the Special Court constituted for specifically hearing land acquisition cases has been consistently awarding Rs.750/- per cent in all other references made in respect of land acquired for the Naval Air Station. The petitioner, for his extent of lands had filed L.A.O.P.NO.1 of 2013 and the Reference Court vide order dated



27.02.2013 determined and fixed the amount of compensation as Rs.750 per cent. Thereafter, despite the petitioner having brought to the notice of the respondents about the two different sets of awards, passed by different Courts of reference, in respect of the identical lands situate in very same village and owned by the petitioner, and prayed for extension of similar benefit to L.A.O.P.Nos.80 and 81 of 1994, but the respondents refused to pay the said compensation as determined in LA.O.P.No.1 of 2013, dated 27.02.2013. Further it is alleged that merely because the petitioner did not file any appeal under Section 54 of the Act against the Award in L.A.O.P.Nos.80 and 81 of 1994, he cannot be denied the fair compensation as awarded by this Court in LAOP.No.1 of 2013. Hence, the petitioner is constrained to approach this Court for appropriate relief.

4. The learned counsel appearing for the petitioner submitted that the petitioner is a poor agriculturalist and lost his entire land holding through the acquisition process and therefore, it is just and necessary to direct the respondents to pay the enhanced compensation of Rs.750/- per cent in respect of the petitioner's lands which were acquired for the very same purposes as has been fixed in LAOP NO.1/2013 dated 27.02.2013.

5. The learned Additional Government Pleader appearing for the official respondents submitted that the petitioner / claimant in LAOP.No.1/2013 who is legal heir of the claimant in L.A.O.P.Nos.80 and 81 of 1994, has filed this Writ Petition, for a direction to the respondent to pay the enhanced compensation at the rate of Rs.750/- per cent in respect of the lands acquired at Cheyyur Village together with statutory benefits in the light of the judgment of the Hon'ble Supreme Court made in C.A.No.6899 of 2002 dated 18.02.2010. It is further alleged by the petitioner that since the decretal amount has already been deposited and the petitioner has not filed the appeals in time, the prayer sought for by the petitioner cannot be granted. Further there is no provision available under the Land Acquisition Act, to extend the same benefit as awarded in LAOP.No.1 of 2013 to the petitioner in L.A.O.P.Nos.80 and 81 of 1994 and therefore, if at all aggrieved by the award amount, the petitioner has to prefer appeal before the appellate Court against the award made in L.A.O.P.Nos.80 and 81 of 1994, instead of that, filing the Writ Petition is not sustainable and prays for dismissal of this petition.

6. Facts in the present case is not in dispute that at the instigation of the petitioner mother and other land owner, three LAOPs were referred before the two different Reference



Court in L.A.O.P.Nos.80 and 81 of 1994 and LAOP No.1 of 2013 and two different award amounts have been passed. In L.A.O.P.Nos.80 and 81 of 1994, the maximum compensation was fixed at Rs.450/- per cent, whereas in LAOP No.1/2013, the Court has ordered payment of compensation at Rs.750/- per cent and hence the petitioner wanted to avail the maximum compensation in terms of LAOP No.1/2013.

7. On careful consideration of the facts of the case, this Court is of the opinion that though the petitioner claims for maximum compensation as ordered in LAOP No.1/2013 for the lands covered under L.A.O.P.Nos.80 and 81 of 1994, the authorities have no power to consider such representation to extend the benefit. The petitioner has to approach the competent Appellate Court for enhancement of compensation in line with the order passed in LAOP No.1/2013. Therefore, the prayer sought for by the petitioner cannot be considered.

8. For the reasons aforesaid, this Writ Petition is dismissed. However liberty is granted to the petitioner to file appropriate petition before the competent court seeking enhanced compensation in line with the award passed in LAOP No.1/2013. No costs. Consequently connected miscellaneous petition is closed.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

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To

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W.P.No.32220 of 2014

GPL (CO)
SP (18/04/2022)