



WEB COPY



W.P.No.25388 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25388 of 2022

R.C.Subramanian

... Petitioner

Vs.

1.The District Collector,
Erode District, Erode.

2.The Revenue Divisional Officer,
Erode, Erode District.

3.The Executive Engineer/
Administrative Officer,
Tamil Nadu Housing Board,
Sampath Nagar, Erode – 11.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pass orders on the petitioner's written representation dated 16.07.2022 for enhancement of compensation as decided on the petitioner's sisters co-sharer of the land acquired by the respondents by taking note of the order passed in W.P.No.6000 of 2020 etc., batch, dated 09.12.2020.

For Petitioner : Ms.R.Hemalatha

For R1 & R2 : Mr.U.Bharanidharan,
Additional Government Pleader

For R3 : Mr.C.Kalaiselvan,
Standing Counsel



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to pass orders on the petitioner's written representation dated 16.07.2022 for enhancement of compensation as decided on the petitioner's sisters co-sharer of the land acquired by the respondents by taking note of the order passed in W.P.No.6000 of 2020 etc., batch, dated 09.12.2020.

2. The case of the petitioner is that the petitioner's land was acquired in the year 1997 under "Muthampalayam Housing Scheme" in a phased manner under different Notification for the same scheme in so far as it relates to petitioner's land situated in R.S.No.719/1,4,5 & 6, 720/3, 720/4,5 & 8, Erode C Village, Erode Taluk and District. Thereafter, the process for determining the compensation was taken up which resulted in the passing of award by the Land Acquisition Officer, who fixed market value at Rs.50,000/- per acre in Award No.1/2000, dated 03.03.2000. Aggrieved by the said compensation amount, at the instance of the adjacent land owners, the matter was referred under Section 18 of the Land Acquisition Act. The Reference Court passed number of orders by fixing various rates between Rs.16/- and Rs.30/- per sq.ft. Aggrieved against the quantum fixed by the



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Reference Court, the Special Tahsildar, Neighbourhood Scheme, filed various Appeal Suits before this Court, and this Court, heard all the appeals together and orders were passed on 02.03.2009, 08.07.2009 and 11.12.2009 by reducing the rates between Rs. 8/- and Rs.12/- per sq.ft. Thereafter, the land owners therein filed Civil Appeals before the Hon'ble Apex Court in Civil Appeal Nos.6127 of 2011, etc batch. After considering the entire materials on record, the Hon'ble Apex Court passed an order dated 01.08.2011 in ***Valliammal Case 2011 (8) SCC 91*** and certain directions were issued. In order to avail such benefit, the petitioner filed the present Writ Petition.

3. The learned counsel for the petitioner submits that the issue raised in the present Writ Petition is no longer *res-integra*, as already the Hon'ble Apex Court issued series of direction in ***Valliammal Case reported in 2011 (8) SCC 91***. In order to avail such benefit, some of the land owners filed Writ Petition before this Court in W.P.No.6000 of 2020, etc., batch, and this Court by order dated 09.12.2020, quashed the impugned order and issued direction to the respondents to consider the claim made by the petitioners and redetermine the compensation amount, in line with the orders passed by the Hon'ble Apex Court in Valliammal case and in Samiyathal



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case and the entire compensation amount was directed to be paid (after deducting the amounts already paid, if any) within a reasonable time fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents did not dispute the facts submitted by the petitioner and he further submitted that the appropriate orders will be passed in terms of order passed by this Court in W.P.No.6000 of 2020 in the light of Valliammal case.

5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 and 2 and learned Standing Counsel appearing for respondent 3 and perused the materials available in record.

6. In view of the fair stand taken by the learned Additional Government Pleader, this Court directs the respondents to pass appropriate orders in line with the order passed in W.P.No.6000 of 2020 etc., and extend the benefit to the petitioners and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.



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7. With the above observations and direction, this Writ Petition is disposed of. No costs.

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Index : Yes / No
Speaking order: Yes/ No
jd

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M.DHANDAPANI, J.,

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