



W.P.No.16162 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2023

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.No.16162 of 2023

N.Haridoss

...Petitioner.

Vs.

1.The District Collector
Thiruvallur District.

2.The District Revenue Officer
Thiruvallur District.

3.The Sub Collector,
Ponneri
Thiruvallur District.

4.The Special Tahsildar
Land Acquisition
Ponneri, Thiruvallur District.

...Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the entire records relating to the proceedings in R.C.No.1144/2022/A2 dated 28.02.2023 on the file of the third respondent, quash the same as the one passed by an incompetent authority and consequently direct the respondents to disburse the enhanced compensation amount of Rs.3,700/- per cent to the petitioner in relation to Award No.3 of 1996 dated 07.11.1996 and Award No.4 of 1996 dated 20.11.1996, in the light of the order dated 15.07.2019 passed in



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W.P.Nos.26617, 26618, 26619 and 26620 of 2009.

For Petitioner : Mr.M.Elumalai

For Respondents : Mr.V.Baranidharan

Special Government Pleader

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ORDER

The writ petition challenges the order of the Sub-Collector, Ponneri in R.C.No.1144/2022/A2 dated 28.02.2023. The said order relates to a proceeding under Section 28 A of the Land Acquisition Act, 1894.

2.As per the Land Acquisition Act of 1894, an order under Section 28 A can only be passed by the Collector and by no other authority. It is seen that the Sub-Collector, Ponneri had passed the order on account of the fact that an order was passed by this Court in W.P.No.17350 of 2022 dated 12.07.2022. The Sub-Collector has taken a stand that as a direction had been given by this Hon'ble Court to the Revenue Divisional Officer to pass an order, as a Sub-Collector, she had taken up the proceedings and passed orders.

3.The Learned Government Pleader has given me the written instructions dated 25.05.2023 to that effect. When a statute requires an order to be passed by one particular authority, the order has to be passed by that authority and by nobody else. Therefore, without going into the merits of the



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case, I allow the writ petition on the ground of jurisdiction alone. The impugned order is quashed.

4.The sub-Collector is directed to send the entire files relating to Section 28 A proceeding to the Collector, Thiruvallur District. The Collector, Thiruvallur District shall pass an order within a period of eight (8) weeks from the date of which he receives files from the Sub-Collector. The Sub-Collector is directed to send the files within a period of two (2) weeks from the date of receipt of this order copy. It is open to the petitioner to agitate all the issues before the Collector afresh including his submissions that the similarly placed persons have been paid compensation by the State for the land which has been acquired.

5.With the above observations this writ petition stands allowed. No Costs.

26.05.2023

Index :Yes/No
Speaking :Yes/No
Neutral Citation Case :Yes/No
nst



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V.LAKSHMINARAYANAN,J
nst

- To,
- 1.The District Collector
Thiruvallur District.
 - 2.The District Revenue Officer
Thiruvallur District.
 - 3.The Sub Collector,
Ponneri
Thiruvallur District.
 - 4.The Special Tahsildar
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