



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.18863 of 2023

G.Nallathambi

...Petitioner

Vs

1.The State of Tamil Nadu rep. by
The District Collector,
Villupuram District,
Master Plan Complex, Collectorate,
Villupuram – 605 602.

2.The Sub Collector,
Tindivanam,
Villupuram District,
Tinidivanam – 604 001.

3.The Land Acquisition Office cum
Revenue Divisional Officer (Land Acquisition)
South 3rd Part, Marakanam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the First Respondent to re-determine the compensation awarded to the petitioner's lands acquired at Marakanam Revenue Village in Award No. 1/1994, to sum of Rs.4,500/- per Cent, based on the petitioner's application under Section 28A of the Land Acquisition Act 1894 dated



22.02.2021 and followed by the petitioner representation dated 30.10.2022, pursuant to the enhanced compensation award passed in LAOP No.9 of 2010 on the file of Principal Sub Judge, Tindivanam

For Petitioner : Mr.V.Rajesh Babu

For Respondents : Mr.G.Krishnaraja
Additional Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 1st respondent to re-determine the compensation awarded to the petitioner by acting upon the application filed by the petitioner under Section 28A of the Land Acquisition Act, 1894 (herein after called as “Act”).

2.Heard Mr.V.Rajesh Babu, learned counsel appearing on behalf of the petitioner and Mr.G.Krishnaraja, learned Additional Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that his lands were acquired and the compensation was fixed by the Land Acquisition Officer through a final Award



dated 15.06.1994. The aggrieved land owners referred application under Section 18 of the Act and sought for enhancement of compensation. The application was referred to the Principal Sub Judge, Tindivanam and it was dealt with in LAOP No.9 of 2010. The further case of the petitioner is that the Court enhanced the compensation through judgment and Decree dated 08.10.2020. The petitioner immediately made an application under Section 28A of the Act on 22.02.2021, within the stipulated period of three months.

4.On receipt of the application, the 1st respondent had also sought for details from the 2nd respondent through letter dated 30.03.2021. The grievance of the petitioner is that thereafter, there was absolutely no improvement and the petitioner also made a representation in this regard on 30.10.2022. This representation also did not evoke any response and hence the present writ petition has been filed before this Court.

5.Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to deal with the application dated 22.02.2021



submitted by the petitioner under Section 28A of the Act on its own merits and in accordance with law and final order shall be passed, within a period of three months from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with all the relevant documents and also a copy of this order.

6.This writ petition is disposed of in the above terms. No Costs.

27.06.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
ssr

To

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Collectorate,
Villupuram – 605 602.

2.The Sub Collector,
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Villupuram District,
Tindivanam – 604 001.



3. The Land Acquisition Office cum
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N.ANAND VENKATESH, J

SSI

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