



WEB COPY



W.P.No.3768 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.3768 of 2022

1.A.Ramachandra Babu
2.R.Rajalakshmi

... Petitioners

Vs.

1.The Special Tahsildar (LA) Unit-1,
MRL Aromatic Scheme,
Saidapet, Chennai – 600 015.

2.Madras Refineries Limited (CPCL),
Aromatic Complex,
Saidapet, Chennai – 600 015.

3.The Company Secretary,
Chennai Petroleum Corporation Limited,
No.552, Anna Salai,
Chennai 18.

4.M/s.Toshiba JSW Turbine and Generator Pvt. Ltd.,
Vaikkadu Village,
Andarkuppam Check post,
Manali New Town,
Chennai – 600 103.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 to pay forty percent of the appreciated land value shall be shared among the petitioners from whom the lands were acquired in proportion to the value at which the lands were acquired along with interest at 18% per annum from the date of G.O.(Ms)No.110, Industries (MIA-1) Department, dated 11.09.2009 till the date of realisation in the equity of justice, as the lands have been acquired for industrial purpose.

For Petitioners	: Mr.N.Thirumalai
For R1 and R2	: Mr.C.Jayaprakash Government Advocate
For R3	: Mr.N.Nithianandam

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to pay forty percent of the appreciated land value that shall be shared among the petitioners from whom the lands were acquired in proportion to the value at which the lands were acquired along with interest at 18% per annum from the date of G.O.(Ms)No.110, Industries (MIA-1) Department, dated 11.09.2009 till the date of realisation in the equity of justice, as the lands have been acquired for industrial purpose.



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2.It is not in dispute that the lands belonging to the petitioners were acquired for public purposes. The Land Acquisition Officer determined the compensation to be settled and an award was passed. Based on the award, the compensation was settled in favour of the petitioners/land losers. A reference was made before the Sub-Court, Ponneri in L.A.O.P.Nos.243 and 619 of 1998 in respect of the 1st and 2nd petitioners respectively and the Sub-Court also disposed of the L.A.O.P.s enhancing the compensation in favour of the land losers.

3.The learned counsel appearing on behalf of the 3rd respondent brought to the notice of this Court that the enhanced compensation was also settled in favour of the land losers and they have not filed any further appeal challenging the order passed in the L.A.O.P. proceedings.

4.The dispute raised by the land losers/family members cannot be resolved in a writ proceeding. The land was acquired and the compensation determined are settled and the said compensation paid was enhanced by the Sub-Court and the enhanced compensation was also settled in favour of the



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land losers. If at all the petitioners are aggrieved from and out of the order passed by the Sub-Court in L.A.O.P. proceedings, an appeal is to be filed.

That being the remedy available, the relief as such sought for in the present writ petition at this length of time cannot be granted.

5. With these observations, this Writ Petition stands dismissed. No costs.

12.07.2023
(2/2)

mkn

Internet : Yes
Index : Yes
Neutral citation : Yes
Speaking order

To

1. The Special Tahsildar (LA) Unit-1,
MRL Aromatic Scheme,
Saidapet, Chennai – 600 015.
2. The Madras Refineries Limited (CPCL),
Aromatic Complex,
Saidapet, Chennai – 600 015.



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S.M. SUBRAMANIAM, J.

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