



W.P.(MD)No.6242 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.6242 of 2014**

1. Veerappan
2. Natchammal
3. Selvaraj
4. Santhi
5. Rajeswari

... Petitioners

versus

1. The District Collector,  
Collectorate Campus,  
Thanthonimalai,  
Karur.
2. The Manager,  
M/s.Bharat Petroleum Corporation Limited,  
Athur,  
Karur Taluk,  
Karur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to re-determine the award of compensation for the above said property as per Section 28A of the Land Acquisition Act as per the petitioner's representation dated 03.03.2014.



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For Petitioner : Mr.M.Palani Raja  
For R1 : Mr.S.Shaji Bino,  
Special Govt. Pleader  
For R2 : No appearance

### **ORDER**

This writ petition is filed for a mandamus, directing the respondents to re-determine the award of compensation for the petitioners' property as per Section 28A of the Land Acquisition Act, by considering their representation dated 03.03.2014.

2. The petitioners claim that the property in Survey No.373 of Kadaparai Village is their ancestral property. The said property was partitioned by way of a registered partition on 06.05.1954 and the property in Survey No.373 was allotted to Subburaya Gounder, Samiyappa Gounder, Kandasamy @ Kulandaiyappan @ Rasappan, Oomayan @ Muthusamy. Subsequently, the said land was acquired for the purpose of establishing a Petrol out-let by Bharat Petroleum Corporation Limited and a compensation was awarded to the tune of



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Rs.1,26,248/-. Since there was a dispute between the brothers, this compensation amount has not been paid to any of the legal owners.

3. The grievance of the petitioners is that there was a dispute among themselves and a litigation was also pending and therefore, they were not able to participate during the enquiry for enhancement of compensation as conducted under Section 18 of the Act. In view of non-participation in the said proceedings, they were deprived from making any submission for enhancement of the award passed on 21.02.2012. Therefore, they have made a representation on 03.03.2014 to the respondents. Since the said representation has not been considered, they have filed this writ petition for the above relief.

4. When the matter was taken up for hearing on earlier occasions, the learned counsel appearing for the petitioners submitted that he is not in a position to contact the petitioners and therefore, he is not having any instruction in this writ petition. Though this Court has



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provided sufficient time to the learned counsel for the petitioners to get instructions, he is not able to get instructions. Even today, he submits that he is not having any instructions.

5. The learned Special Government Pleader appearing for the first respondent, on instructions, submits that the case of re-determination will not arise in this case as it has not been determined in favour of the petitioners. There was a dispute among the brothers with regard to the ownership and the same has not been finalized. Therefore, the writ petition is not maintainable.

6. This Court considered the rival submissions made and perused the materials available on record.

7. This writ petition is pending from the year 2014. The relief sought for by the petitioners is for re-determination of compensation which was awarded in the year 2012. At the time of awarding



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compensation, the petitioners have not raised their objections. Further, there was a litigation between the brothers.

8. Therefore, the writ petition is disposed of by giving liberty to the petitioners to work out their remedy in the manner known to law, after the finality arrived at in the litigation pending between the parties.

No costs.

**27.04.2023**

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NCC : Yes / No.  
Index : Yes / No.  
Internet : Yes / No.

To

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**B.PUGALENDHI, J.**

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