



WEB COPY



W.P.No.7085 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.7085 of 2024
and
W.M.P.No.7919 of 2024

1.B.Jayakumar
2.J.Balaji Prasad

... Petitioners

Vs.

1.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

2.The District Collector
Thiruvannamalai.

3.The Special Tahsildar (LA)
Tindivanam-Nagari New Broad Gauge Railway Line Scheme,
Cheyyar.

4.The District Revenue Officer,
Thiruvannamalai.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India

praying for issuance of a writ of Mandamus,

Directing the respondents to take necessary action by conducting enquiry



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and accordingly dispose the representation of the petitioners dated 11.10.2023 within a time frame fixed by this Honourable Court by according opportunity to the petitioners.

For Petitioner : M/s.Krishna Ravindran,
for M/s.P.Kavin Prabhu

For Respondents : M/s.A.Selvendran, Special GP,
for R.1 to R4.

ORDER

The above writ petition is filed seeking a direction to the respondents to conduct an enquiry and dispose of the petitioner's representation dated 11.10.2023.

2. The petitioner has submitted a representation calling upon the respondents to consider granting him the same compensation for the subject property as was given for his adjacent lands. The compensation for the subject land has been arrived at after a private negotiation. The petitioner has also received the said compensation.

3. In paragraph no.10 of the counter affidavit filed by the 4th



respondent, it has been stated as follows:-

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" As regard to the averments in paragraph 12 is denied, it is submitted that the land value rates were discussed by the District Level Private Negotiation Committee during the negotiation meeting conducted with the land owners on 10.10.2022 and finally during the negotiation meeting on 27.12.2022, it was decided to fix the land value at 225% of the basic land value based on the Guide Line value prevailing then. Since the decision was taken on 27.12.2022 itself to fix the land value at 225% of the Guide Line Value prevailing then adopting the Guide line value which came into force from 01.04.2023 is not acceptable since the petitioners have given consent accepting the land value determined as early as on 10.10.2022 and finally decided on 27.12.2022 and also executed the sale deeds pertaining to the lands in favour of the Railway authorities on 3.5.2023 with their full knowledge and consent and they cannot claim for higher amount of compensation based on the Guide Line value which was



not in force during the negotiation with them."

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4. A reading of the above would clearly indicate that the value when the subject property was being acquired was lesser than the value when the subsequent property was being acquired. Therefore, the petitioner cannot as a matter of right demand the same compensation. Though there is no statutory right available to the petitioner to demand that he be paid the same price as the adjacent land, however, taking into consideration the fact that the acquisition of the two lands has been very close to one another and also considering the fact that a representation has been made to the 2nd respondent, the Writ Petition is disposed of calling upon the 2nd respondent to consider the feasibility of awarding the request of the petitioner. The said exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this Order. No costs. Consequently, the connected Miscellaneous Petition is closed.

14.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To



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P.T. ASHA. J.,



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