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W.P.No.9589 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.9589 of 2024

- 1.Sarawathi
- 2.Jegan Kumar
- 3.Thirumalai
- 4.Veeraraghavan
- 5.Iyyappan

... Petitioners

Versus

1. The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Fort St.George, Chennai – 600 009

2.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajar Maligai
Gandhi Irwin Road
Egmore, Chennai – 600 008

3.The Special Tahsildar (LA) III
and Land Acquisition Officer
CMDA, Guindy
Chennai – 600 032

... Respondents

Prayer:- Writ Petitions filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the



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representation of the petitioner dated 24.11.2023 for enhancement of compensation in terms of the judgment rendered LAOP.No.2597 of 1998 batch dated 02.09.2015 on the file of the Sub Court, Ponneri in respect of lands in Survey No.794 measuring 0.70 cents at Madhavaram Village, then Saidapet Taluk that was acquired for the formation of bus and truck terminal by the MMDA (now CMDA).

For Petitioner : Mr.R.Navaneetha Krishnan

For Respondents : Mr.A.Selvendran for R1 & R3
Special Government Pleader
Mrs.P.Veena Suresh for R2

ORDER

This writ petition has been filed to direct the respondents to consider the representation of the petitioner dated 24.11.2023 for enhancement of compensation in terms of the judgment rendered LAOP.No.2597 of 1998 batch dated 02.09.2015 on the file of the Sub Court, Ponneri in respect of lands in Survey No.794 measuring 0.70 cents at Madhavaram Village, then Saidapet Taluk that was acquired for the formation of bus and truck terminal by the MMDA (now CMDA).

2. It is the grievance of the writ petitioner that the land of the first petitioner's husband has been acquired by the Government for the purpose of formation of bus and truck terminal by the MMDA (now CMDA) and



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awarded compensation and the compensation received by the petitioner is under protest. In this regard, the petitioner has raised objections and made reference under Section 18 of the Land Acquisition Act for enhancement of compensation. Whereas, for the adjacent land owners, whose lands have been acquired, have been referred to Land Acquisition Tribunal and they have been granted enhanced compensation. The appeals filed in A.S.Nos.431 to 477 of 2016 on the file of this Court filed as against the Order of the Tribunal have also been dismissed confirming the enhancement made by the Tribunal. Therefore, once again, the petitioners have given representation on 24.11.2023 and the same has not been considered by the respondents. Hence, the present writ petition.

3. Heard Mr.R.Navaneeth Krishnan, learned counsel for the petitioners; Mr.A.Selvendran, learned Special Government Pleader for the respondents 1 and 3 and Mrs.R.Veena Suresh, learned counsel for the second respondent.

4. Considering the fact that the District Collector has to make reference under section 28 [A] [1] and [2] of Land Acquisition Act, the



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District Collector, Chennai is directed to refer the matter to the tribunal for enhancement of compensation with all other benefits as per Land Acquisition Act and in the light of the decree and judgment rendered in LAOP.No.2597 of 1998 batch dated 02.09.2015 on the file of the Sub Court, Ponneri.

5. With the above directions, this Writ Petition stands disposed of.
No costs.

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Index:Yes/No
Neutral Citation : Yes/No
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N.SATHISH KUMAR, J.

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