



W.P.No. 24949 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :04.12.2024

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.24949 of 2024

V.Sarada

... Petitioner

Vs

The Special Tahsildar (L.A),
Unit VI, Outer Ring Road Project,
Phase-II, CMDA @ Koyambedu,
Chennai-600 092.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the Respondent in Na.Ka.220/2004/Vae.Va.Pa.Ti/Alagu-6, dated 30.07.2024 and quash the same and consequently direct the Respondent to pass award at the rate of Rs.95,000/- per cent as per the order of the Lok Adalat at Tiruvallur in Lok Adalat Case No.398/2016, L.A.O.P.No.72 of 2016, on the file of the Sub-Ordinate Judge at Ponneri by an order dated 19.05.2017 and grant all benefits flowing there from together with interest.



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For Petitioner : Mr.K.Balasubramaniam

For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for issuance of certiorarified mandamus seeking to quash the order passed by the respondent dated 30.07.2024 and direct the respondent to pass an award at the rate of Rs.95,000/- per cent as per order of the Lok Adalat case No.398 of 2016 in L.A.O.P.No.72 of 2016, on the file of Sub-Court, Ponneri.

2. The brief facts which has resulted in filing of the writ petition are as follows:

The petitioner would submit that one Rajamanickam, Vellaichamy and Kaviru had formed a layout called Sakthivel Nagar, the petitioner purchased plot measuring an extent of 2160 sq.ft., in S.No.136 / 10 from one Murugan under registered sale deed dated



28.10.2002. The petitioner's son had purchased the plot Nos.29 and 30 measuring 4320 sq.ft., in Survey No.137/1B2, 136/10. The land in question are vacant land and the petitioner's son had been in possession of the same since he purchased the land. In the year 2017, he came to learn that the Government had acquired the lands in Tirumaruvur, Vijayanallur and Attanthangal and attached villages for development of outer ring road project of the C.M.D.A., Survey No.136/10A1, was also a part of this acquisition proceedings. The 4(1) notification was taken out in the year 2006 itself and since the petitioner's property was vacant land, she had no knowledge about the acquisition proceedings. Immediately when she came to learn about the same, she had contacted the respondent and she was given a copy of Section 5(A) enquiry and photo copy of the impugned award dated 05.05.2009. The petitioner would submit that she has not been served with any of the proceedings. Despite the fact that the property had been purchased by her and sons as early as in the year 1996 and 2002. The 4(1) notification was published on 21.01.2006 and notice was sent to one Rani on



12.05.2006. Section 5(A) enquiry was conducted and it appears that the said Rani had attended the enquiry. The petitioner would submit that the compensation was awarded in the name of Rani who was in no way connected to the land in question. The petitioner would submit that she is the bonafide purchaser. She would submit that the petitioner had made representations to the respondent on 11.06.2018, seeking the respondent to serve Sections 9(3) and 10(6) notices upon herself and her son son who are the owner of plot No.78 of Sakthivel Nagar, Attanthangal Village. Though the letter was acknowledged as early as on 16.06.2018, however, there was no reply about the same. The petitioner was informed that the award has been passed in the notification under Section 9(3) and 10 of the Land Acquisition Act. The petitioner would submit on the award has not been served on the real and absolute owner and the real and absolute owner has been kept in the dark. Initially, the petitioner had filed writ of certiorarified mandamus to quash the award dated 08.05.2009 in Award No.4 of 2009, this Court by order, dated 17.08.2022, without expressing an



opinion on merits had directed the respondent to dispose of the appeal within a period of 12 weeks. Even thereafter, there was no response constraining the petitioner to file a contempt petition. In order to get over the contempt, hurriedly these proceedings were issued by the respondent and it was reported to the Court that the order had been complied with. Ultimately, the petitioner was given a copy of the Award No.4 of 2009.

3. The petitioner would submit that recently they came to learn that in the Lok Adalat conducted at Tiruvallur in Lok Adalat Case No.398 of 2016 in L.A.O.P.No.72 of 2016 in Sub-Court, Ponneri for similarly placed lands, the respondents had arrived at a market value of Rs.95,000/- per cent. In the Lok Adalat proceedings it was also stated that the claimants therein would be entitled to an additional market value under Section 23(1) (A) of the Land Acquisition Act at the rate of 12% of the market value from the date of 4(1) Notification till the date of the Award or date of taking possession of the acquired land



whichever is earlier, 30% solatium of the market value determined, the claimants were also entitled to the interest of the total amount mentioned in clauses 1, 2 and 3 of the order at 9% p.a., from one year from the date of taking possession of the acquired land and 15% thereafter till the amount is deposited into Court.

4. Therefore, the petitioner would submit that in the light of this award, she is entitled to claim the same amount. Therefore, the petitioner had sent a representation dated 15.07.2024 to fix the award at the rate of Rs.95,000/- per cent to her land and the consequential amounts given by the Lok Adalat. The requests were turn down by the respondent on the misconceived presumption that the petitioner was seeking a reference under Section 18 of the Land Acquisition Act. This is the first fallacy of the impugned order. The application in question was issued under Section 28(A) of the Land Acquisition Act, wherein, the petitioner was seeking redetermination of the compensation amount based on the Courts Award. Further, the petitioner's petition was also



rejected on the ground that the representation has not been made within a period of six weeks from the date of receipt of the notice under Section 12(2). As seen in the narration supra, the petitioner who had been purchased the property was the owner even before the acquisition proceedings but she had not been put on notice at any point in time. Therefore, since there was no compliance of the rules under the acquisition proceedings and the very proceedings initiated against the lands of the petitioner is non-est. However, since the petitioner is willing to receive compensation on par with the amounts determined for others, this writ petition is allowed and the impugned order passed by the Respondent in Na.Ka.220/2004/Vae.Va.Pa.Ti/Alagu-6, dated 30.07.2024 is set aside and the compensation amount together with all other benefits as set out in the Lok Adalat Case No.398 of 2016, in L.A.O.P.No.72 of 2016, shall be deposited within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.



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Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
ssn

P.T.ASHA, J.,

ssn

To
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