



WEB COPY



W.P.No.28121 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.28121 of 2024

G.Vijaya

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Kancheepuram – 631 501.

2. The Special District Revenue Officer (LA),
National Highways,
Kanchipuram District,
Kanchipuram – 631 501.

3. The Zonal Deputy Thasildar (LA),
National Highways, Kancheepuram District,
Kancheepuram – 631 501.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondents to pay enhanced compensation Rs.2155/- per square meters for 907 square meters of land comprised in Old S.No.57/1A1A1A2, New S.No.57/1A1A1A2 in Podavur Village, Sriperumbudur Taluk acquired and subject matter in the order Rc.04/2015/BCE/Unit-III dated 08.09.2023 with interest and solatium after deducting the amount paid by considering my representations dated 18.08.2023, 25.10.2023, 01.04.2024 and 19.06.2024.



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

ORDER

The Writ Petition has been filed for the following relief:

The Petitioner whose lands had been acquired is aggrieved by the fact that the compensation fixed in respect of her lands is far less than the compensation that is awarded to lands in the same vicinity measuring a lesser extent. The Petitioner had received a communication stating that the compensation was fixed at a sum of Rs.33,92,446/- which constituting the preliminary sum and that the final compensation would be fixed later. However, the same has not been fixed to date. The Petitioner has come to learn that similarly placed persons have received the enhanced compensation. Therefore, the present Writ Petition.



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2. The Second Respondent has filed a counter affidavit stating as follows:-

“6. It is further submitted that if it is not satisfied with the fixation of the value at Rs.1445/- for the above land, the aggrieved parties should file their representation/application before the Arbitrator within a period of 3 (three) years towards enhancement of compensation against the amount awarded by the Land Acquisition Officer. In this case, the writ petitioner has filed the applications to the Arbitrator within the Stipulated period. There are nearly 20 applications received from the affected parties in this Award proceeding. Necessary actions are being taken to refer the matter of enhancement of compensation and compensation for trees existed at the time of notification published thereon to the Arbitrator cum District Collector Kancheepuram. In the meantime, the petitioner has moved the Hon'ble Court. It is submitted that is sufficient time available to the Arbitrator to process the applications and finalize the matter. In the above circumstances writ petitioner may approach the Arbitrator to avail the opportunities towards getting suitable orders with reference to rules and law for enhancement of compensation from the Arbitrator.”



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3. The Respondents have themselves admitted that the applications for enhanced compensation has not been disposed of. Therefore, recording the above statement, the Writ Petition is allowed and the 1st Respondent is directed to dispose of the Petitioner's representation/application in e-file no.101 kpm/ 87/ 2024 within a period of six (6) months from the date of receipt of a copy of this Order. No costs.

21.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



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To

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P.T.ASHA, J.

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