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W.P. No. 27469 of 2023 and etc., bat...

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P. No.27469, 27470, 27472, 27476, 27478 & 27480 of 2023

In W.P.No.27469 of 2023

M.Veeraraghavan

..Petitioner

Vs.

1. The Land Acquisition Officer cum District Collector
District Collectorate Office,
GST Road, Chengalpattu-603 001.

2. The Divisional Engineer, Highways
GST Road, Opp. To Govt. Medical College Hospital,
Chengalpattu.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay the petitioner for enhanced compensation with all other benefits in the light of the decree and judgment dated 20.03.2017 passed by the Honourable Addl. Subordinate Judge Court, Chengalpattu in LAOP No.23 of 2016 and conforming the lower court enhanced compensation of Rs.13,500/- per sq.mtrs as per order of the Honourable High Court of Madras in CRP.No.671 of 2021 dated 04.08.2021 by disposing of my representation letter dated 07.07.2023.

For Petitioner

:M/s.J.Ram



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For Respondents

: Mr.A.Selvendran
Special Government Pleader

COMMON ORDER

In all these writ petitions, the petitioners seek a direction to 1st respondent to pay the petitioners' enhanced compensation for the lands acquired from them as per the judgment and decree dated 20.03.2017 passed in LAOP.No.23/2016 on the file of Additional Sub-Court, Chengalpattu determining the enhanced compensation at Rs.13,500/- per Sq.metr.

2. The land of the petitioners situated at Pooncheri village, Thirukalukundram Taluk, Kancheepuram District was acquired by the respondents for the purpose of formation of radial road. The compensation amount was fixed by the 1st respondent in Award No.13/2013 dated 20.11.2013 by fixing the value of the land at Rs.2,669/- per Sq.m. The another land owner affected by the same notification sought for enhancement of compensation by seeking reference under Section 20(1) of Tamil Nadu Highways Act. The reference Court in LAOP.No.23/2016 enhanced the compensation to Rs.13,500/- per Sq.meter by judgment and decree dated 20.03.2017. The



petitioners applied for the certified copy of the judgment and decree and got the same on 25.09.2017. Thereafter, they filed an application under Section 28-A(1) and (2) of Land Acquisition Act before the 1st respondent seeking enhancement of the compensation in the light of the judgment and decree passed in LAOP.No.23/2016. It is also pertains to observe that the order passed by the Land Acquisition Tribunal in LAOP.No.23/2016 was confirmed by this Court in CRP.No.671 of 2021 by order dated 04.08.2021. The application filed by the petitioners under Section 28-A seeking re-determination of compensation in the light of the enhanced compensation granted by the Land Acquisition Tribunal and confirmed by this Court has not been considered by the respondents. Hence, the petitioners are before this Court.

3. The 1st respondent filed his counter and submitted that the request of the petitioners for enhanced compensation will be considered by him only after the disposal of Special Leave Petition against the order passed by this Court in revision which will be filed before the Hon'ble Supreme Court of India. The counter was signed by the 1st respondent on 20.02.2024. Though it is stated in the counter affidavit that he was taking steps to file Special Leave Petition



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against the order passed by this Court in CRP.No.671 of 2021, the learned Special Government Pleader for the respondents is unable to give any details regarding the alleged filing of Special Leave Petition. Therefore, it appears that no Special Leave Petition has been filed and the order passed by this Court confirming the enhanced compensation awarded by the Land Acquisition Tribunal attained finality. In such circumstances, there may not be any impediment for the respondent to consider the application filed by the petitioners under Section 28-A of Land Acquisition Act on its' own merits and dispose of the same. Therefore, the 1st respondent is directed to consider the applications filed by the petitioners under Section 28-A of Land Acquisition Act and dispose of the same on its' own merits in the light of the judgment and decree passed by the Land Acquisition Tribunal in LAOP.No.23/2016 on the file of Additional Sub-Court, Chengalpattu as confirmed by this Court in CRP.No.671 of 2021 and batch case within a period of twelve weeks from the date of receipt of copy of this order.

4, With the above directions, these writ petitions are disposed of. No



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costs.

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Index : Yes/No

Neutral Citation : Yes/No

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S.SOUNTHAR, J.

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