



W.A.No.3429 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.3429 of 2023

1. The District Collector
District Collectorate
Thiruvallur District, Thiruvallur.
2. The District Revenue Officer
Thiruvallur District
Thiruvallur Collectorate
Thiruvallur.
3. The Special Tahsildar (LA) Unit IV
Tamil Nadu Housing Board Schemes
493, Anna Salai, Nandanam
Chennai 600 035.

.. Appellants

Vs.

1. Kousalya
2. Pankajammal
3. Ambujammal
4. B.Pugazhendi
5. Logammal
6. K.Lakshmiammal
7. Sakunthalammal
8. K.Radhammal
9. K.Subramani



W.A.No.3429 of 2023

WEB COPY

- 10.K.Ramakrishnan
- 11.K.Gopalakrishnan
- 12.K.Varalakshmi
- 13.Poosammal
- 14.A.Raja
- 15.D.Ramayee
- 16.Nagarajan
- 17.K.Thangavelu
- 18.K.Munirathinam
- 19.K.Subathra
- 20.S.Venkatachalam
- 21.Kuppusamy
- 22.Rajamani
- 23.V.Sankaraiah
- 24.V.Sekar
- 25.K.Vijayasimhan
- 26.Narayana Murthy
- 27.R.Gurumoorthy
- 28.Kasthuri
- 29.Ellaiya
- 30.Bharathi
- 31.P.Devarajalu Naidu
- 32.K.Murugan
- 33.M.Manikandan
- 34.M.Gunasundari
- 35.M.Padmini
- 36.ChinnaPonnu
- 37.Selvi
- 38.S.Kiruba
- 39.S.Babu
- 40.S.Srinivasan
- 41.A.Ramani
- 42.R.Egambaram
- 43.B.Gajendiran
- 44.B.Puspavathi
- 45.B.Sivamani
- 46.B.Santha
- 47.B.Rajendiran



W.A.No.3429 of 2023

48.B.Leelavathi
49.B.Puspakantham
50.B.Nagajothi
51.B.Suganthi
52.B.Suresh Kumar
53.K.Laxmi
54.Indirani
55.Rajendiraprasath
56.Vani
57.Mahendiran
58.Narendiran

59.The Managing Director
Tamil Nadu Housing Board
493, Anna Salai, Nandanam
Chennai 600 035.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 17.11.2022 made in W.P.No.39103 of 2016.

For the Appellants : Mr.A.Edwin Prabakar
State Government Pleader
Assisted by
Mr.T.K.Saravanan
Government Advocate

For the Respondents : Mr.Murugamanickam
Senior Counsel
For Mr.N.Nallapan
for Respondents 1 to 58

Mr.A.M.Ravindranath Jeyapaul
for Respondent-59



W.A.No.3429 of 2023

WEB COPY

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.A.Edwin Prabakar, learned State Government Pleader, assisted by Mr.T.K.Saravanan, learned Government Advocate for the appellants, Mr.Murugamanickam, learned Senior Counsel for Mr.N.Nallapan, learned counsel for the respondents 1 to 58 and Mr.A.M.Ravindranath Jeyapaul, learned counsel for 59th respondent.

2. The respondents 1 to 58 herein filed the writ petition challenging the order passed by the present first appellant rejecting the application under Section 28-A of the Land Acquisition Act, 1894.

3. The applications filed by the private respondents/writ petitioners were rejected by the District Collector on the ground that the applications were not filed within the prescribed period of limitation and the applications were not accompanied by the



W.A.No.3429 of 2023

certified copy of the order dated 28.04.1993 in LAOP No.12 of 1989.

The applications were incomplete.

4. The learned Single Judge allowed the writ petition filed by the private respondents and directed the appellants to disburse the compensation amount in terms of the judgment and award passed by this Court in A.S.No.559 of 2002 dated 27.11.2007. The said order is assailed in the present appeal.

5. Learned State Government Pleader strenuously contends that the applications dated 16.07.1993 were never received by the first appellant. The same were fraudulently made part of the record. It is further submitted that the said applications were not accompanied with the certified copy of the award passed by the Reference Court and that the applications were incomplete. The District Collector has threadbare considered all these aspects and rightly rejected the applications.



W.A.No.3429 of 2023

WEB COPY

6. Learned Senior Counsel for the private respondents supports the order of the learned Single Judge and submits that in the year 2010, the report was submitted by the District Revenue Officer to the District Collector. Each and every application was considered and he had opined that the applications were filed within limitation. He has submitted his report only after examining each and every application independently and individually and opined that the private respondents are entitled to compensation as per Section 28-A of the Act of 1894.

7. We have considered the submissions canvassed by learned counsel for the parties and we have also gone through the order passed by the learned Single Judge and also the order passed by the first appellant.

8. It appears that the land of the private respondents were acquired under awards dated 31.08.1987, 30.10.1987 and



W.A.No.3429 of 2023

WEB COPY

09.12.1987. Some of the persons whose lands were acquired under the same awards, filed a reference under Section 18 of the Act bearing Reference No.12 of 1989. The compensation amount was enhanced to Rs.700/- per cent by the Reference Court under its order dated 28.04.1993. On or about 16.07.1993, the private respondents filed applications before the District Collector referable to Section 28-A of the Act of 1894. The applications, it appears that, have been filed within the prescribed limitation period of three months. The appeal was preferred by the State bearing A.S.No.559 of 2002 against the award passed by the Reference Court in LAOP No.12 of 1989. This Court partly allowed the appeal under its order dated 27.11.2007, thereby reducing the compensation to Rs.600/- per cent.

9. The contention of the learned State Government Pleader that the applications dated 16.07.1993 were not filed by the private respondents cannot be accepted. Even in the earlier proceedings before the Collector, wherein a report was submitted on 16.05.2011



W.A.No.3429 of 2023

WEB COPY

by the District Revenue Officer, reference is made to the applications dated 16.07.1993. Individually, applications have been considered and the District Revenue Officer observed that the private respondents are eligible for the enhanced compensation amount as per the judgment of this Court in A.S.No.559 of 2002. It would be too late in the day now to contend that the claimants had not filed applications under Section 28-A of the Act. Section 28-A of the Act does not require an application to be filed in a particular form only.

10. Section 28-A of the Act is a beneficial provision for those claimants who did not file a reference under Section 18 of the Act. It is with a purpose and object that the similar nature of land of the different persons acquired under the same award should be paid the same compensation amount.

11. It is not disputed by the State that the lands of the private respondents were of a similar nature or character as the lands



W.A.No.3429 of 2023

WEB COPY

of the persons acquired in case of Reference LAOP No.12 of 1989. In that view of the matter, it would not be appropriate on the part of the State to contend that these persons would not be entitled to the same compensation amount.

12. One of the reasons given by the first appellant is that it would not be possible for the acquiring body (Housing Board) to collect the said amount from the allottees. The claimants cannot be denied the original claim on the basis of the financial stringency of the acquiring body.

13. The learned Single Judge has considered the entire aspects in a proper perspective.

14. We do not find any error committed by the learned Single Judge in passing the order under appeal.



W.A.No.3429 of 2023

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There shall be no order as to costs. Consequently, C.M.P.No.28093 of 2023 is also dismissed.

(S.V.G., CJ.)

(D.B.C., J.)
12.02.2024

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

The Managing Director
Tamil Nadu Housing Board
493, Anna Salai, Nandanam
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WEB COPY



W.A.No.3429 of 2023

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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W.A.No.3429 of 2023

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