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W.P.No.688 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.688 of 2024

K.H.Narayanan

... Petitioner

Versus

The Tahsildar (Land Acquisition),
Sipcot Phase I & II,
Hosur.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to pay the enhanced compensation for the land 1.22 acres in Survey No.104/B against the award No.3/75-76 dated 03.02.1976.

For Petitioner : Mr. G. Appavu

For Respondent : Mr. R. Vigneshwaran
Government Advocate

ORDER

This Writ Petition has been filed seeking to issue a writ of mandamus directing the respondent to pay the enhanced compensation for



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the land 1.22 acres in Survey No.104/B against the award No.3/75-76 dated 03.02.1976.

2. The petitioner contends that the respondent initiated acquisition proceedings for their grandmother Thimmaka's 1.22 acres of land in Survey No.104/B for SIPCOT Industrial purposes. Alleging with the inadequate compensation, the petitioner filed a writ petition and obtained a copy of award No. 3/75-76 dated 3.2.1976, revealing that the compensation fell short of the prevailing market rate. Despite filing a petition for enhanced compensation on 7.6.2023, the respondent has not considered it. The petitioner argues that the respondent's failure to pay proper compensation during Thimmaka's lifetime has resulted in the loss of inheritance rights for them as the grandson.

3. Furthermore, the petitioner asserts that the land's value was arbitrarily determined, with a compensation amounting to a meager sum, in contrast to the higher compensations awarded for similar land extents. The petitioner insists that the respondent had a statutory duty to refer the matter to a tribunal for compensation enhancement, a step they failed to



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take. Having exhausted legal remedies and attributing the delay to the non-availability of the award copy, the petitioner seeks condonation, maintaining that the delay is bona fide and beyond their reasonable control. In their plea for justice, equity, and conscience, the petitioner requests a Writ of Mandamus or a direction compelling the respondent to pay the rightful enhanced compensation for the 1.22 acres of land in Survey No.104/B against award No. 3/75-76 dated 3.2.1976.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent and perused the materials available on record.

5. On perusal of the records shows that the Award was passed way back of 1976 and the owner of the land had also received the Award amount in the year 1994 itself. The petitioner is only a grandson of the land owner, and there is no record to show that during the receipt of the Award amount the land owner subject to the objection or otherwise during at the relevant point of time, or he made any application for the reference for the enhancement of compensation. Therefore, now, the petitioner



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cannot reopen it for enhancement of compensation after awarding compensation in the year 1976 and after receiving the amount in the year 1994, after lapse of 18 years. Therefore, there is no merits in the writ petition. The Writ Petition is dismissed. No costs.

11.01.2024

Index : yes/no
Speaking order : yes/no
Neutral Case Citation : yes/no

klt

To:

The Tahsildar (Land Acquisition),
Sipcot Phase I & II,
Hosur.



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P. VELMURUGAN, J.

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