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WP.No.34118 of 2024

In the High Court of Judicature at Madras

Dated : 25.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34118 of 2024

- 1.Velusamy
- 2.Mahalakshmi
- 3.Cheperumal
- 4.Rajendran
- 5.Chellamuthu
- 6.Palanisamy
- 7.Chellamuthu
- 8.Pari
- 9.Renganayagi
- 10.Dhanam
- 11.Elangovan
- 12.Ramesh
- 13.Govindammal
- 14.Vellaiyan
- 15.Neelavathi
- 16.Selvanayagi
- 17.Periyasamy
- 18.Kandasamy
- 19.Kamachi
- 20.Ramasamy
- 21.Saraswathi
- 22.Murugesan
- 23.Chinnapillai
- 24.Periyasamy
- 25.Maruthamuthu
- 26.Veerapandian
- 27.Dhanapakiam
- 28.Pitchaipillai
- 29.Rajendran
- 30.Velusamy
- 31.Samidurai
- 32.Ramasamy



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33.Chellam
34.Pattaniammal
35.Chinnathambi
36.Govindasamy
37.Periyasamy
38.Kasambu
39.Chengamuthu
40.Valan
41.Sivamalai
42.Chellammal
43.Chellam
44.Ponnammal
45.Kaliyaperumal
46.Palaniammal
47.Sivamalaiammal
48.Duraikanu
49.Kattaiyan (a) Chinnaiyan
50.Pitchaipillai
51.Periyasamy

Vs

...Petitioners

1.The District Collector, Ariyalur
District, Ariyalur-621704.

2.The Special Tahsildar (Land
Acquisition), Unit II Arasu
Cement Factory, Ariyalur
District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to provide compensation of Rs.1,500/- per cent and other benefits as per Section 28A of the Land Acquisition Act, 1894.

For Petitioners : Mr.R.Gokulakrishnan
For Respondents : Mr.A.Selvendran, SGP



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ORDER

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The only relief that is sought for in this writ petition is for a Mandamus to the first respondent to grant compensation on par with the other land owners, who have got an enhancement by filing a reference under Section 18 of the Land Acquisition Act (for short, the Act) before the Land Acquisition Court by invoking the provisions of Section 28A of the Act.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. A vast extent of lands belonging to the petitioners and others was acquired by the State of Tamil Nadu for exploiting the mineral for the the manufacture of cement. The land owners gave their objections. However, overruling the objections of the owners, the second respondent fixed a very low price for their lands. Further, the second respondent had not made any reference to the Sub-Court, Ariyalur with regard to the lands belonging to the petitioners. At the instance of the adjacent land owners, a judgment and decree was rendered by the Sub-Court, Ariyalur in L.A.O.P.No.32 of 2001 dated 30.1.2017 directing the Land Acquisition Officer to pay a sum of Rs.1,20,000/- as compensation. On coming to know about the same,



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the petitioners made the representations dated 23.6.2017 and 02.7.2017 to the second respondent and others seeking enhanced compensation. However, nothing was forthcoming.

4. In respect of similarly placed persons like the petitioners, pursuant to the reference made, judgments were rendered by the Sub-Court, Ariyalur on various dates. As against the similar judgments of the Sub-Court, Ariyalur, the second respondent approached this Court by filing appeals. However, those appeals were dismissed by a common judgment rendered by this Court on 29.1.2024 in A.S.No.916 of 2019 etc. cases whereby the award amount was increased from Rs.1,200/- to Rs.1,500/- per cent. Hence, the petitioners once again sent another representation dated 29.10.2024 to the first respondent seeking redetermination of the compensation. Since it did not evoke any response, the petitioners are before this Court.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

6. Considering the fact that the compensation amount has been



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increased in respect of similarly placed persons, who have gone before the Sub-Court, Ariyalur under Section 18 of the Act, the petitioners are also entitled to the same amount after taking into consideration the provisions of Section 28A of the Act.

7. Accordingly, the writ petition is allowed and a Mandamus is issued to the first respondent to consider the latest representation of the petitioners dated 29.10.2024 for payment of enhanced compensation and pass appropriate orders thereon on the basis of the common judgment of this Court dated 29.1.2024 in A.S.No.916 of 2019 etc. cases within a period of six weeks from the date of receipt of a copy of this order. No costs.

25.11.2024

To

1.The District Collector, Ariyalur
District, Ariyalur-621704.

2.The Special Tahsildar (Land
Acquisition), Unit II Arasu
Cement Factory, Ariyalur
District.

RS



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