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W.P. No.3166 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3166 of 2024

Chithara Valli

... Petitioner

Vs.

1. The Government of Tamil Nadu

Rep. by its Secretary (Public Works Department)

Chennai - 600 009

2. District Collector,

Kancheepuram District, Kanchipuram

3. Land Acquisition Officer (Special Tahsildar)

Ambattur, Chennai - 600 053

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the representation dated 21.07.2023 and determine the compensation as per the judgment of the Hon'ble Apex Court in C.A. No.9526-9532/2018 dated 12.09.2018 and disburse the same with all statutory benefits.

For Petitioner : Mr.R.Subramanian
and Mr.V.Sukumar

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

**ORDER**

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This Writ Petition is filed seeking to issue a Writ of Mandamus directing the respondents to consider the representation dated 21.07.2023 and determine the compensation as per the judgment of the Hon'ble Apex Court in C.A. No.9526-9532/2018 dated 12.09.2018 and disburse the same with all statutory benefits.

2. The learned counsel for the petitioner submitted that the petitioner's land was acquired along with other adjacent properties and Award was also passed in Award No.3/2007 dated 30.11.2007. Since the compensation fixed by the Land Acquisition Officer was very less, the petitioner received the compensation under protest and requested the Land Acquisition Officer to refer the matter to Tribunal. The said reference was taken along with other adjacent owners in L.A.O.P. No.21-29/2009 by the the Sub Court, Kanchipuram and the reference Court enhanced the compensation from Rs.1500/- per cent, which was fixed by the Land Acquisition Officer to



Rs.29,435/- per cent along with other benefits. Challenging the same, the Land Acquisition Officer filed an appeal nearly after a period of six years in A.S.No.40-59 of 2017 and this Court vide Judgment dated 30.05.2017, dismissed the appeals and confirmed the order of the Sub Court. Thereafter, the petitioner received the compensation. While so, one Suresh Kumar represented by POA of D.Narayan and Chandra filed A.S.No.19/2012 and 20/2012, before this Court for higher compensation against the order in L.A.O.P. Nos.1443/2018 and 1429/2018 and the Land Acquisition Officer also challenged the said Award and that this Court, enhanced the compensation from Rs.29,430/- to Rs.39,240/- per cent, by judgment dated 17.11.2017 and the appeals filed by the Land Acquisition Officer were dismissed. The claimant in A.S.No.19/2012, challenged the Judgment of this Court before the Hon'ble Supreme Court seeking further enhancement. The Hon'ble Supreme Court, while dealing with the matter in Civil Appeal Nos.9526-9530 of 2018, along with Civil Appeal Nos.9531-9532 of 2018, by judgment dated 12.09.2018, enhanced the compensation from Rs.39,240/- to Rs.50,000/- per cent, and also observed that, "making appropriate



deduction for smallness of plot as well as development, we deem it appropriate to award compensation of Rs.50,000/- per cent for both villages as they are adjacent. On coming to know about the enhanced compensation, the petitioner made a representation dated 21.07.2023 to the 2nd respondent for enhanced compensation of Rs.50,000/- per cent along with other benefits as determined by the Hon'ble Supreme Court. However, still no action has been taken. Hence, the present Writ petition is filed before this Court seeking appropriate direction. The contention of the petitioner is that, since the petitioner is also placed on par with that of the appellants before the Supreme Court and his land is also covered under the very same acquisition and Award, the petitioner is also entitled for the compensation as enhanced by the Hon'ble Supreme Court.

3. The learned Additional Government Pleader appearing for the respondents submitted that the judgment of the Hon'ble Supreme Court is a Judgment-in-personam and it will not bind the other persons who did not approach the Hon'ble Supreme Court. Whoever approached the Supreme



Court and obtained the judgment in their favour, are only are entitled for the enhanced compensation and not the other persons. Therefore, the Writ Petitioner is not entitled to the enhanced compensation.

4. Heard both sides and perused the materials available on record.

5. It is not in dispute that the petitioner's land was acquired and that the petitioner's land is covered under the Award No.3/2007 dated 30.11.2007. Further, it is not disputed that the petitioner's reference was also taken by the Reference Court and the compensation amount was also enhanced from Rs.1,500/- per cent to Rs.29,435/- per cent, with interest and other benefits. Similarly, in a batch of LAOPs, the Sub Court has enhanced the amount. Thereafter, when some other land-loser challenged the order of the Tribunal before this Court, a Division Bench of this Court has enhanced the compensation amount from Rs.29,430/- to Rs.39,240/- as stated above. Aggrieved by the same, an appeal has been filed before the Hon'ble Supreme Court, in which, the Hon'ble Supreme Court had enhanced the amount in toto



to the lands covered under both the villages uniformly as Rs.50,000/-.

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6. When once the Hon'ble Supreme Court fixed the Award amount to all the land-losers uniformly covered under the two villages which are under acquisition and that the petitioner who is also a land-loser in the very same acquisition proceedings covered under the very same Award, she is also placed on par with them. Therefore, the contention of the learned Additional Government Pleader appearing for the respondents that the judgment of the Hon'ble Supreme Court is only to judgment-in-personam, is not acceptable.

7. Further, a combined reading of the entire materials available on record and also the object of Section 28-A of the Land acquisition Act shows that even the persons who are not covered under the LAOP or Appeal or SLP, shall also be considered, if they make an application under Section 28-A of the said Act and there cannot be any discrimination.

8. Under the above said circumstances, the Writ Petitioner is entitled to



the compensation on par with the other land-losers as per the decision of the Hon'ble Supreme Court in Civil Appeal No.9526-9532/2018 dated 12.09.2018 as discussed supra.

9. For the reasons stated supra, the respondents herein are directed to pay the enhanced compensation on par with the other land-losers as per the above decision of the Hon'ble Supreme Court, as per the prevailing Rules with all other benefits to the Writ Petitioner by considering her representation dated 21.07.2023, within a period of six weeks from the date of receipt of a copy of this order.

10. Accordingly, this Writ Petition is allowed. No costs.

21.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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