



W.P.Nos. 35160, 35169, 35165 & 35163 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.Nos.35160, 35169, 35165 & 35163 of 2023

and

W.M.P.Nos.35154 & 35156 of 2023

W.P.Nos.35160 of 2023

Subramani

... Petitioner

Vs.

1 The District Collector,
Namakkal District,
Namakkal

2 The District Revenue Officer cum Land Acquisition Officer,
Salem - Karur Broad Gauge Railway Line Project,
Collectorate Campus,
Thummankurchi Post,
Namakkal Taluk and District.

3 The Special Tahsildar (Land Acquisition)
Salem - Karur Broad Gauge Railway Line Project,
Collectorate Campus,
Thummankurchi Post,
Namakkal Taluk and District.

... respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass an award by re-determining the amount of compensation in accordance with Section 28A of the Land Acquisition Act 1894 in the light of judgement and Decree dated 27.07.2018 passed in L.A.O.P. No. 145 of 2008 on the file of the Subordinate court Rasipuram with respect to the land acquired from the petitioner herein comprised in S.No. 18/5C2 measuring an extent of 2 186 sq.mts and in S.No. 18/5E2 measuring an extent of 1,060 sq. mts . Ward-B, Block-I of Rasipuram Town and Taluk, Namakkal District based on the representation of the petitioner dated 13.08.2019 sent to the respondents.

W.P.Nos.35169 of 2023

1. Balasubramaniam

2. Kalaiselvi

3. Geetha

4. Arunkumar

5. Sujatha

... Petitioners

Vs.

1 The District Collector,



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Namakkal District,
Namakkal.

2 The District Revenue Officer cum Land Acquisition Officer,
Salem - Karur Broad Gauge Railway Line Project,
Collectorate Campus,
Thummankurchi Post,
Namakkal Taluk and District.

3. The Special Tahsildar (Land Acquisition) ,
Salem - Karur Broad Gauge Railway Line Project,
Collectorate Campus,
Thummankurchi Post,
Namakkal Taluk and District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass an award by re-determining the amount of compensation in accordance with Section 28A of the Land Acquisition Act 1894 in the light of judgement and Decree dated 27.07.2018 passed in L.A.O.P. No. 146 of 2008 on the file of the Subordinate court Rasipuram with respect to the land acquired from the petitioner herein comprised in S.No. 20/3B measuring an extent of 240.5 sq.mts., Ward B Block -I of Rasipuram Town and Taluk Namakkal District based on the representation of the petitioner dated 19.08.2019 sent to the respondents.



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W.P.Nos.35165 of 2023

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1. Gunabakkiyam

2. Mallika

3. Selvaraju

4. Kalaiyarai

5. Gopal

... Petitioners

Vs.

1 The District Collector,
Namakkal District,
Namakkal.

2 The District Revenue Officer cum Land Acquisition Officer,
Salem - Karur Broad Gauge Railway Line Project,
Collectorate Campus,
Thummankurchi Post,
Namakkal Taluk and District.

3. The Special Tahsildar (Land Acquisition) ,
Salem - Karur Broad Gauge Railway Line Project,
Collectorate Campus,
Thummankurchi Post, Namakkal Taluk and District.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass an award by re-determining the amount of compensation in accordance with Section 28A of the Land Acquisition Act 1894 in the light of judgement



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and Decree dated 27.07.2018 passed in L.A.O.P. No. 161 of 2008 on the file of the Subordinate Court, Rasipuram with respect to the land acquired from the petitioner herein comprised in S.No. 51/1B measuring an extent of 920 sq.mtrs and S.No. 50/28 measuring an extent of 373 sq.mts Ward- B, Block-11 of Rasipuram Town and Taluk Namakkal District based on the representation of the petitioner dated 16.08.2019 sent to the respondents.

W.P.Nos.35163 of 2023

1. Neelakrishnan

... Petitioner

Vs.

- 1 The District Collector,
Namakkal District,
Namakkal.
- 2 The District Revenue Officer cum Land Acquisition Officer,
Salem - Karur Broad Gauge Railway Line Project,
Collectorate Campus,
Thummankurchi Post,
Namakkal Taluk and District.
3. The Special Tahsildar (Land Acquisition) ,
Salem - Karur Broad Gauge Railway Line Project,
Collectorate Campus,
Thummankurchi Post, Namakkal Taluk and District.



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass an award by re-determining the amount of compensation in accordance with Section 28A of the Land Acquisition Act 1894 in the light of judgement and Decree dated 27.07.2018 passed in L.A.O.P. No. 156 of 2008 on the file of the Subordinate Court, Rasipuram with respect to the land acquired from the petitioner herein comprised in S.No. 43/6B measuring an extent of 2 640 sq. mtrs. Ward-B, Block-10 of Rasipuram Town and Taluk Namakkal District based on the representation of the petitioner dated 28.08.2019 sent to the respondents.

For Petitioners : Mr.S.Senthil

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

The Writ Petitions have been filed to issue a Writ of Mandamus, directing the respondents to pass an award by re-determining the amount of compensation in accordance with Section 28A of the Land Acquisition Act 1894 in the light of judgement and Decree dated 27.07.2018 passed



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in L.A.O.P. Nos.145, 146, 161 & 156 of 2008 on the file of the Subordinate Court, Rasipuram with respect to the land acquired from the petitioners herein respectively.

2. Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents.

3. Learned counsel for the petitioners submitted that their lands were acquired by the respondents for the purpose of forming Salem-Karur Broad Gauge Railway line in Rasipuram Taluk, Namakkal District. The petitioners sent representations dated 13.08.2019, 28.08.2019, 16.08.2019 and 19.08.2019 to the respondents seeking determination of compensation. He further submitted that the respondents have issued summons and conducted enquiry. Since the respondents have not considered their representations, they filed the present writ petitions.

4. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for by the petitioners, without expressing any opinion with regard to the



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merits of the case, this Court directs the respondents to consider the petitioners' representations if the petitioners are otherwise eligible, after issuing notice and after giving opportunity of hearing to all the parties, conduct enquiry and pass orders on merits and in accordance with law. The abovesaid exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. With the abovesaid direction, the Writ Petitions are disposed of. There shall be no order as to costs. W.M.P.Nos.35154 & 35156 of 2023 are ordered on payment of separate court fees by each of the petitioners.

09.02.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

- 1 The District Collector,
Namakkal District,
Namakkal
- 2 The District Revenue Officer cum Land Acquisition Officer,
Salem - Karur Broad Gauge Railway Line Project,
Collectorate Campus,
Thummankurchi Post,
Namakkal Taluk and District.
- 3 The Special Tahsildar (Land Acquisition)
Salem - Karur Broad Gauge Railway Line Project,
Collectorate Campus,
Thummankurchi Post,
Namakkal Taluk and District.



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P.VELMURUGAN, J.

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W.P.Nos.35160, 35169, 35165 & 35163 of 2023
and
W.M.P.Nos.35154 & 35156 of 2023

09.02.2024