



W.P.No. 1330 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1330 of 2025

- 1.Chinnapappa
- 2.Elango
- 3.Gunasekaran
- 4.Suseela
- 5.Narendran
- 6.Ashokan
- 7.Perumal
- 8.Seetha
- 9.Rani
- 10.Anumandhan
- 11.Subramani
- 12.Balasubramaniyam
- 13.Rajamani
- 14.Balaraman
- 15.Thilagavathi
- 16.Ganapathi
- 17.Balakrishnan
- 18.Ramamurthi
- 19.Settu
- 20.Selvam
- 21.Rajammal



W.P.No. 1330 of 2025

22.Subramani

23.Jaya

...Petitioners

WEB COPY

Vs

1.The District Collector
District Collector Office
Tirupattur
Tirupattur District - 635 601.

2.The Land Acquisition Officer / DRO
District Revenue Office
District Collectorate, Vellore
Now The District Revenue Officer
District Revenue Office, Tirupattur
Tirupattur District - 635 601.

3.The Tahsildar
Tirupattur Taluk
Tirupattur
Tirupattur District - 635 601.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent bearing Na.Ka.D1/27250/2008 dated 07.10.2024 and quash the same and further direct the first respondent to refer the petitioner's claim under Section 20(1) of Tamil Nadu Highways Act, 2001, to the appropriate Court and pass orders as this Court may deem fit and proper.



W.P.No. 1330 of 2025

For Petitioners : Mr.K.Elango
for M/s.Krishna Law Associates

For Respondents 1 to 3: Mr.A.Selvendran
Special Government Pleader

ORDER

The writ petition is filed seeking to quash the proceedings of the first respondent in Na.Ka.D1/27250/2008 dated 07.10.2024, and consequently to direct the first respondent to refer the petitioner's claim to the Reference Court under Sec.20(1) of the Tamil Nadu Highways Act, 2001.

2. The brief facts set out in the affidavit of this writ petition is as follows :

- a) It is the case of the petitioners that they owned certain extent of lands in Damalerimuthur Village in Tirupattur District. In the year 2006, acquisition proceedings were initiated by the Government to acquire the lands belonging



to the petitioners for the purpose of widening of roads and for construction of bridge in lieu of Railway Kadavu No.18 by the Highways Department and necessary notifications were issued.

- b) Ultimately, an award was passed on 26.09.2011, where a sum of Rs.1.67 to Rs.7.80 per sq.ft. was offered, which according to the petitioner was a meagre sum when the market price was Rs.1,500/- per sq.ft.,
- c) Aggrieved by the inadequacy of the award amount, the first petitioner approached the first respondent with his representation dated 02.01.2012, seeking enhancement of compensation amount. This request was not forwarded to the Referral Court.
- d) Since the first petitioner's representation was not forwarded to Referral Court under Sec.20(1) of the Tamil Nadu Highways Act, 2001, a joint representation was given by all the petitioners on 13.02.2012. According to the



petitioners, their request for enhancement of compensation was made well within a period of 60 days from the date of the award.

- e) One Mr.E.Thangavelu, a similarly aggrieved land owner had filed W.P.No.16321 of 2014, seeking leave of this Court to refer his claim to Referral Court and this Court by an order dated 28.10.2021, had directed the District Collector, Vellore, to refer the award to the Referral Court under Sec.20(1) of the Tamil Nadu Highways Act,2001, within a period of four weeks.
- f) Be that as it may, the first petitioner herein had submitted yet another representation to the authorities on 20.02.2023, requesting them to forward his claim to Referral Court, failing which, a writ petition would be preferred. However, the said representation of the first petitioner was not considered and the grievance of the petitioner was not addressed .



- g) Therefore, the first petitioner along with 22 others (the petitioners herein) filed W.P.No.12170 of 2023, seeking a direction to direct the Land Acquisition Authority to forward their claim to the Reference Court. This Court vide order dated 21.04.2023, directed the District Collector, Tirupattur District to consider and pass orders on the petitioners' representation dated 20.02.2023, within a period of twelve weeks from the date of receipt of the said order.
- h) After several reminders, ultimately on 07.10.2024, the first respondent herein had rejected the request of the petitioners citing delay.
- i) Aggrieved by the same, the petitioners are before this Court.

3. Heard the learned counsel on either sides.



4. The records would show that one E.Thangavelu, a similarly aggrieved land owner had filed W.P.No.16321 of 2014 seeking for a similar relief as the one in the present writ petition, had obtained orders from this Court, wherein a direction was given to the first respondent to refer the award to the Reference Court as contemplated under Sec.20(1) of the Tamil Nadu Highways Act. It is seen that the request of the petitioners have not been considered by the respondents, though the petitioner had made his request as early as on 02.01.2012 well within the stipulated time, followed by a joint representation on 13.02.2012, while the award has been passed by the second respondent only on 26.09.2011.

5. In the case of Mr.E.Thangavelu, a similarly placed land owner, who is the petitioner in W.P.No.16321 of 2014, his representation seeking enhancement of award has been made on 13.02.2012 and the matter had been referred to the Reference Court under Sec.20(1) of the Tamil Nadu Highways Act. It is seen that Thangavelu's representation



was made one month after the petitioner's representation dated 02.01.2012.

6. In a recent judgment of the Hon'ble Supreme Court in ***Banwari and Others Vs Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and another*** [Civil Appeal No.13348 of 2024 dated 10.12.024], the Apex Court upon considering the similar request, seeking to refer the matter for enhanced compensation under the Land Acquisition Act which had been turned down on the ground of delay. The learned Judges after discussing the law on the subject, had held that the provisions of Sec.28-A of the Land Acquisition Act, 1894, is to remove the inequality in payment of compensation for same or similar quality of lands. A same parallel can be drawn to the instant case, where a reference is sought to the Tribunal, seeking enhancement of the award amount. While the respondents have deemed it fit to allow a similar request made by a person who sent his representation after the petitioner had submitted



W.P.No. 1330 of 2025

his representation, it is necessary that the respondents should consider the representation of the petitioner.

7. In the light of the above facts and also relying on the judgment of the Hon'ble Supreme Court in ***Banwari and Others Vs Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and another*** [Civil Appeal No.13348 of 2024 dated 10.12.024], the present writ petition is allowed and the impugned proceedings of the first respondent is hereby quashed. The first respondent is also directed to refer the petitioner's representation seeking enhancement of compensation to the Reference Court, within a period of four weeks from the date of receipt of a copy of this order. No costs.

23.01.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
ds

9/11



W.P.No. 1330 of 2025

To:

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P.T.ASHA, J.,

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