



W.P.No. 1494 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 1494 of 2025
and WMP.No.1749 of 2025

- 1.Saraswathi
- 2.Jegan
- 3.Thirumalai
- 4.Veeraraghavan
- 5.Iyyappan

... Petitioners

Vs

- 1.The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Fort St.George, Chennai - 600 009.

- 2.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajar Maligai
Gandhi Irwin Road
Egmore, Chennai - 600 008.



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3.The Special Tahsildar
Land Acquisition Officer
CMDA, Guindy
Chennai - 600 032.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the third respondent to consider the representation of the petitioners dated 07.11.2024 and take necessary steps for enhancement of compensation in respect of their lands in Survey No.794, measuring 0.70 cents at Madhavaram Village, then Saidapet Taluk, that was acquired for the formation of bus and truck terminal by MMDA (now CMDA) and pass such order or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner	:	Mr.Amar D Pandiya
For Respondents 1 to 3	:	Mr.P.Sathish Addl. Government Pleader

ORDER

Since the petitioners' representation dated 07.11.2024 seeking enhancement of compensation in respect of their lands which had been



acquired by the Government, has not been considered by the third respondent, the petitioners are before this Court.

2. Heard the learned counsel on either side and perused the documents filed in support of this petition.

3. The affidavit filed in support of this writ petition would indicate that the petition mentioned property measuring an extent of 0.70 cents in Sy.No.794 at Madhavaram Village, which belonged to the first petitioner's husband originally, was acquired by the third respondent for the formation of bus and truck terminal by the CMDA, the second respondent herein. Section 5A enquiry was conducted on 20.02.1986, and ultimately an award was passed on 01.04.1986, fixing the compensation at Rs.80/- per cent. The petitioner's husband was awarded a compensation of Rs.6,447.20, which includes solatium at 30% land value and 12% interest from 12.01.1983 to 01.04.1986. Aggrieved by the inadequacy of the compensation awarded, the



petitioner's husband sought for a reference under Sec.18 of the Land Acquisition Act along with other land owners who are similarly placed.

The Land Acquisition Officer however made a reference to Sub Court, Ponneri in LAOP.No.2597/1998 and batch cases etc. without referring the petitioner's husband's application, and the learned Sub Judge had passed a judgment on 02.09.2015, enhancing the compensation to a sum of Rs.11,419/- per cent along with 30% solatium and interest at 12% from the date of notification till the date of award, and thereafter 9% interest till the payment of compensation. The petitioner's husband came to know only at a later stage that his application has not been included in the reference,

4. Therefore, the petitioner's husband approached the third respondent seeking enhanced compensation for his lands, on par with the enhanced compensation awarded to the neighbouring land owners. The petitioner's husband was then informed by the authorities that an appeal in A.S.No.431 to 477 of 2016 was pending on the file of this



Court against the judgment and decree of the Sub Court, Ponneri. In the meanwhile, the petitioner's husband died on 11.12.2016 leaving behind the petitioner and his children as his legal representatives. The petitioner therefore claims that she is entitled to the enhanced compensation. She also submitted a representation in this regard to the second and third respondent on 07.11.2024, but no action is seen forthcoming till date.

5. It is also brought to the notice of the Court that the adjacent land owners who had not got their cases referred under Section 18 of the Land Acquisition Act by the authority, had filed W.P.Nos.14255 of 2019 and W.P.No.14256 of 2019 seeking the enhanced compensation on par with the enhanced amount granted by the Sub Court, Ponneri in LAOP.No.2597 of 1998 batch. This Court had also granted the relief by directing the petitioners therein to make a fresh representations. The petitioner on her part, had also moved a writ petition in W.P.No.9589 of 2024 for the very same relief, and this Court by order



dated 08.04.2024, directed the District Collector to refer the matter to the Tribunal for enhancement of compensation, which has not been done to date.

6. It is also seen from the records that the first petitioner had also approached the second and third respondents with another representation dated 07.11.2024 for the same relief. But the respondents deliberately have not taken any steps to consider the representation. The neighbouring land owners who had approached the Court, have obtained the enhanced compensation under Section 29A of the Land Acquisition Act, the petitioner is also entitled to the enhanced amount. This clearly shows a violation of the provisions of Article 14 of the Constitution as the petitioner has not been treated on par with similarly placed persons who have already obtained the compensation.

7. The writ petition is accordingly allowed and a mandamus is issued to the third respondent to consider the representation of the



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petitioner dated 07.11.2024 in the light of the provisions of the Land Acquisition Act, and grant the enhanced compensation to the petitioner. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

23.01.2025

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