



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4636 of 2025

1.K.Amudhvali

2.K.Vijayakumar

... Petitioners

Vs.

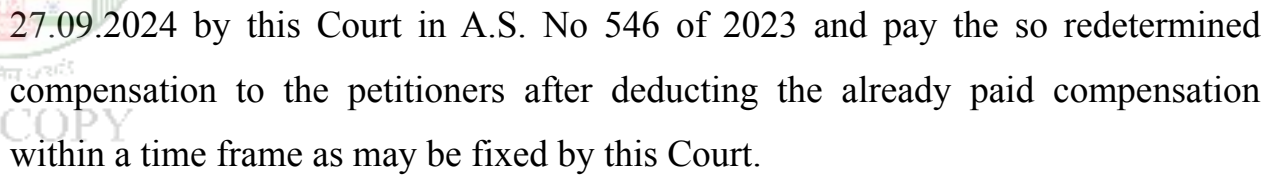
1.The Government of Puducherry Union Territory,
Rep. by its Secretary,
Revenue Department.
Puducherry.

2.The Deputy Collector cum Land Acquisition Officer,
Karaikal.

3.The Director,
Tourism Department,
Puducherry.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to redetermine the compensation u/s 28A of Land Acquisition Act 1894, based on the enhanced market value awarded by the Reference Court/District Court, Karaikkal, vide its order dated 12.12.2019 in L.A.O.P No 48 of 2017 as ordered vide Judgment dated



For Respondents : Mr.V.Vasanthakumar
Additional Government Pleader

This writ petition has been filed for issue of writ of mandamus directing the respondents to redetermine the compensation under Section 28A of the Land Acquisition Act, 1894 based on the judgment passed by this Court in A.S.No.546 of 2023, wherein, the compensation that was fixed by the Reference Court was enhanced.

2. Heard Mr.N.Subramaniyan, learned counsel appearing on behalf of the petitioners and Mr.V.Vasanthakumar, learned Additional Government Pleader appearing on behalf of the respondents.

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disposed of the writ petition on the ground that the petitioners can workout their remedy after the disposal of the appeal that was pending before the Division Bench in A.S.No.546 of 2023. Subsequently, A.S.No.546 of 2023 was disposed of by this Court by a judgement and decree dated 27.09.2024 and the Division Bench of this Court enhanced the compensation than what was fixed by the Reference Court.

4.Subsequent to the above judgment, the petitioners have approached this Court seeking for the same relief. It is seen from records that the petitioners have already made representation to the respondents for redetermining the compensation by representation dated 29.02.2024. It is also relevant to take note of the judgment of the Apex Court in ***Banwari and Others vs. Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and another*** reported in ***2024 SCC Online SC 3685***, wherein, the Apex Court has reiterated the earlier position that where the benefit has been given to the other owners of the property falling within the same acquisition by means of enhancement of compensation, it has to be extended to all the other owners also irrespective of they making their claims.

5.In the light of the above discussion, there shall be a direction to the 2nd



respondent to deal with the representation made by the petitioners on 29.02.2024 in the light of the judgment passed by this Court in A.S.No.546 of 2023 and necessary orders shall be passed, within a period of eight weeks from the date of receipt of copy of this order.

6.This writ petition is disposed of with the above directions. No Costs.

17.02.2025

Internet : Yes

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Index : Yes

Speaking Order / Non Speaking Order
ssr

To

1.The Secretary,
Government of Puducherry Union Territory,
Revenue Department.
Puducherry.

2.The Deputy Collector cum Land Acquisition Officer,
Karaikal.



3. The Director,
Tourism Department,
Puducherry.



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N. ANAND VENKATESH, J.

SSR

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