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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4051 of 2025

V.Murugesan (died)

1.V.Ranjidham

2.V.Kalavathi

3.V.Sasikala

4.V.Komala

5.V.Thirumalai

6.V.Kabila

7.R.Annasamy

8.A.Prema

9.A.Ramesh Kumar

10.A.Revathi

11.A.Padma

12.A.Kalaivani

13.G.Poongavanam

14.G.Logu

15.G.Nalini

16.G.Jayasundari

17.G.Keliyappan

18.G.Renuga

19.G.Kavitha

... Petitioners

Vs.

1.The Land Acquisition Officer cum

District Collector, Chengalpattu,

District Collectorate Office, Chengalpattu.



2.The Divisional Engineer, Highways, Construction & Maintenance
GST Road, Opp to Government Medical College Hospital,
Chengalpattu.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents our lands was also acquired in the same village, for the same purpose and in the same award hence we are also entitled to receive the enhanced compensation amount of Rs.14,812/- per sq.meter in the light of decree and judgment dated 21.03.2017 as awarded by the Additional Subordinate Judge Court, Chengalpattu in the above LAOP No.8, 5 and 7 of 2015 and confirmed by High Court Madras, by disposing of the petitioners representation dated 04.12.2024.

For Petitioner : Mr.J.Ram

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to consider the representation made by the petitioners dated 04.12.2024, wherein, the petitioners are seeking for enhancement of compensation based on the order passed in LAOP Nos.8, 5 and 7 of 2015 which was



subsequently confirmed by this Court in the appeal.

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2.Heard Mr.J.Ram, learned counsel appearing on behalf of the petitioners and Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of respondents 1 and 2.

3.The case of the petitioners is that the property was acquired under the Land Acquisition Act, 1894 and the compensation was fixed by passing an Award dated 30.04.2013. The acquisition pertained to the formation of the IT Express Way in order to extend the Old Mahabalipuram Road. Some of the owners who fell within the same acquisition sought for enhancement by filing petitions under Section 20(1) of the Tamil Nadu Highways Act, 2001. The petitions were considered by Additional Sub Court, Chengalpattu and the compensation was enhanced to Rs.14,812/- per square meter from Rs.2,713/- per square meter. This order passed by the Sub Court was subsequently confirmed in appeal by this Court and the appeal filed by the Acquisition Officer-cum- District Collector was dismissed. Thus, the amount fixed by the Sub Court was confirmed.

4.The petitioners made a representation seeking for the enhanced



compensation in the light of Section 28A of the Land Acquisition Act, 1984. Since the same was not considered, the present writ petition has been filed before this Court.

5.The learned Special Government Pleader appearing on behalf of the respondents submitted that the petitioners have made the representation only on 14.12.2024 which is beyond the three months period prescribed under Section 28A of the Act.

6.In reply to the above submission, the learned counsel for the petitioners brought to the notice of this Court the judgment of the Apex Court in ***Narendra and others vs. State of Uttar Pradesh and Others*** reported in ***2017 9 SCC 426***. The relevant portions that were relied upon by the learned counsel are extracted hereunder:

6. The matter can be looked into from another angle as well viz. in the light of the spirit contained in Section 28-A of the Act. This provision reads as under:



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"28-A. Re-determination of the amount of compensation on the basis of the award of the court.-(1) Where in an award under this Part, the court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under Section 11, the persons interested in all the other land covered by the same notification under Section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under Section 18, by written application to the Collector within three months from the date of the award of the court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the court:"

7. It transpires from the bare reading of the aforesaid provision that even in the absence of exemplars and other evidence, higher compensation can be allowed for others whose land was acquired under the same notification.

8. The purpose and objective behind the aforesaid provision is salutary in nature. It is kept in mind that those landowners who are agriculturist in most of the cases, and whose land is acquired for public purpose should get fair compensation. Once a particular rate of compensation is judicially determined, which becomes a fair



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compensation, benefit thereof is to be given even to those who could not approach the court. It is with this aim the aforesaid provision is incorporated by the legislature. Once we keep the aforesaid purpose in mind, the mere fact that the compensation which was claimed by some of the villagers was at lesser rate than the compensation which is ultimately determined to be fair compensation, should not be a ground to deny such persons appropriate and fair compensation on the ground that they claimed compensation at a lesser rate. In such cases, strict rule of pleadings are not be made applicable and rendering substantial justice to the parties has to be the paramount consideration. It is to be kept in mind that in the matter of compulsory acquisition of lands by the Government, the villagers whose land gets acquired are not willing parties. It was not their voluntary act to sell off their land. They were compelled to give the land to the State for public purpose. For this purpose, the consideration which is to be paid to them is also not of their choice. On the contrary, as per the scheme of the Act, the rate at which compensation should be paid to the persons divested of their land is determined by the Land Acquisition Collector. The Scheme further provides that his determination is subject to judicial scrutiny in the form of reference to the District Judge and appeal to the High Court, etc. In order to ensure that the landowners are given proper compensation, the Act provides for "fair compensation". Once such a fair compensation is



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determined judicially, all landowners whose land was taken away by the same notification should become the beneficiary thereof. Not only it is an aspect of good governance, failing to do so would also amount to discrimination by giving different treatment to the persons though identically situated. On technical grounds, like the one adopted by the High Court in the impugned judgment, this fair treatment cannot be denied to them.

7. In the considered view of this Court, Section 28A of the Act prescribes for three months period to seek for enhancement of compensation and the said provision does not provide for condoning the delay by operation of the Limitation Act. However, the judgement of the Apex Court that was relied upon by the learned counsel for the petitioners makes it clear that where the owners of the properties fall within the same acquisition, if the compensation is enhanced, the same has to be extended to the other owners also who did not approach the Court. This is in view of the fact that the Land Acquisition Act is a beneficial legislation. This Court places reliance upon the judgement of the Apex Court and directs the 1st respondent to deal with the representation made by the petitioners on 04.12.2024 and pass final orders, within a period of three months from the date of receipt of copy of this order.



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N. ANAND VENKATESH, J.

SSR

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

12.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

- 1.The Land Acquisition Officer cum
District Collector, Chengalpattu,
District Collector Office, Chengalpattu.
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