

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 8600 of 2025

1. Abdul Khudus
S/o.Abdul Wahab, 25, C Sector
L Line Siddha Camp, Mumbai,
Temporarily Residing At
No.55/14c, Kattabomman
Street, Tiruvannamalai-606 604.

Petitioner(s)

Vs

1. The District Collector
Thiruvannamalai District
Thiruvannamalai 606 601.

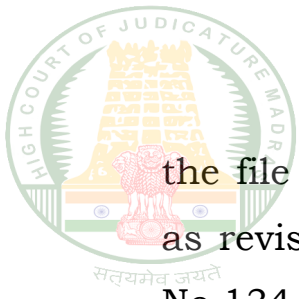
2.The Revenue Divisional Officer
Thiruvannamalai District, Anna
Salai, Tiruvannamalai 606601.

3.The Special Tahsildar
Land Acquisition Officer
Tiruvannamalai 606601
Tiruvannamalai District.

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for issuance of writ of Mandamus directing the 1st respondent to pass orders on the representation of the petitioner dated 12.11.2019 for enhancement of compensation in accordance with the order passed in L.A.O.P. No.41/2002 etc. cases dated 02.02.2010 on



the file of the Honourable Subordinate Judge, Thiruvannamalai, as revised in the order passed by this Honourable Court in A.S. No.134 to 144 of 2013 etc. cases dated 03.08.2015 for the share of the petitioner in SF No.84/4 situated at Vengikkal Village, Tiruvannamalai Taluk, Thiruvannamalai District, within a time frame as fixed by this Honourable Court

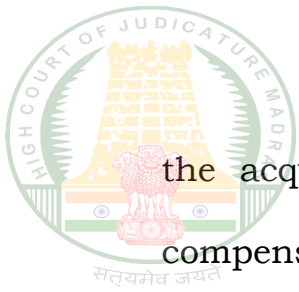
For Petitioner(s): A.Maheshnath
For Respondents: Mr.M.R.Gokulkrishnan
Additional Government
Pleader

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to deal with the representation made by the petitioner on 12.11.2019 wherein the petitioner is seeking for the enhancement of compensation in line with the order passed in LAOP No.41 of 2002 etc., cases dated 02.02.2010 and which was modified in AS No.134 to 144 of 2013 etc., cases dated 03.08.2015 insofar as the share of the petitioner is concerned.

2. Heard Mr.A.Maheshnath, learned counsel for the petitioner and Mr.M.R.Gokulkrishnan, learned Additional Government Pleader for respondents 1 to 3.

3. The specific case of the petitioner is that one Abdul Wahab was the owner of the entire property, which was the subject matter of



the acquisition proceedings. The said Abdul wahab died and the compensation was determined as between the legal heirs of the said Abdul wahab. The compensation that was determined in the award was put to challenge by the other legal heirs by filing LAOP and the compensation was enhanced. Aggrieved by the same, the RDO filed an appeal before this Court in a batch of cases in AS No.134 to 144 etc., 2013. This Court reduced the compensation from Rs.65 per Sq.ft to Rs.57 per Sq. ft. Accordingly, the other legal heirs got the enhancement of compensation. However, since the petitioner was not residing there, he alone was deprived of the enhancement. Hence, a representation was made by the petitioner in the year 2019. Even though enquiry was conducted, no further orders were passed. It is under these circumstances, the present writ petition came to be filed before this Court.

4. The issue that is involved in the present writ petition is squarely covered by the judgement of the Apex Court in Civil Appeal No.13348 of 2024 in [**Bhanwari Vs. Haryana State Industrial Infrastructure Development Corporation Limtied**] dated 10.12.2024. The Apex Court at Paragraph No.24 of the judgement has held as follows :-

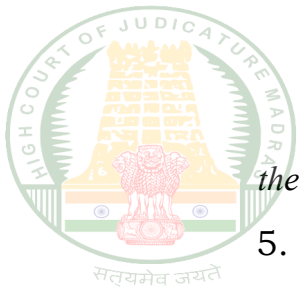
24. As already discussed hereinabove, the provisions of Section 28-A(1)

of the 1894 Act have been elaborately considered by a three Judges



WEB COPY

Bench of this Court in the case of *Pradeep Kumari and Others* (supra). In the said case, it has been held that the Statement of Objects and Reasons of Section 28-A would reveal that the object underlying the enactment of the said provision is to remove inequality in the payment of compensation for same or similar quality of land. It has been held that the said provision is for giving benefit to inarticulate and poor people not being able to take advantage of the right of reference to the civil court under *Section 18* of the Act. It has been held that this is sought to be achieved by providing an opportunity to all aggrieved parties whose land is covered by the same notification to seek redetermination once any of them has obtained orders for payment of higher compensation from the reference court under *Section 18* of the Act. The same benefit would be available to the other landholders under Section 28-A. It has been held that Section 28-A being a beneficent legislation enacted in order to give relief to the inarticulate and poor people, the principle of interpretation which would be required to be adopted is the one which advances the policy of the legislation to extend the benefit rather than a construction which has the effect of curtailing the benefit conferred by it. payment of higher compensation from the reference court under *Section 18* of the Act. The same benefit would be available to the other landholders under Section 28-A. It has been held that Section 28-A being a beneficent legislation enacted in order to give relief to the inarticulate and poor people, the principle of interpretation which would be required to be adopted is the one which advances the policy of the legislation to extend the benefit rather than a construction which has the effect of curtailing



the benefit conferred by it.

5. In the instant case all the other legal heirs have received the enhanced compensation and therefore, the said benefit has to necessarily accrue in favour of the petitioner also. The above judgement will squarely apply to the facts of the present case. Hence, the representation made in this regard has to be acted upon and necessary proceedings must be issued.

6. In the light of the above discussion, there shall be a direction to the 1st respondent to pass appropriate orders on the representation made by the petitioner on 12.11.2019 within a period of six weeks from the date of receipt of a copy of this order and the enhanced compensation amount shall be paid to the petitioner.

7. This writ petition is disposed of with the above directions.
No costs.

17-03-2025

rka

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



WEB COPY

WP No.8600 of 2



To

1.The District Collector
Thiruvannamalai District
Thiruvannamalai 606 601.

2.The Revenue Divisional Officer
Thiruvannamalai District, Anna
Salai, Tiruvannamalai 606601.

3.The Special Tahsildar
Land Acquisition Officer
Tiruvannamalai 606601
Tiruvannamalai District.



WEB COPY

WP No.8600 of 2



N.ANAND VENKATESH J.
rka

WP NO. 8600 OF 2025

17-03-2025