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W.P.No.29247 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29247 of 2019

R.Malarkodi

... Petitioner

Vs.

1.The District Revenue Officer,
Thiruvallur

2.The Special DRO (L.A)
CMDA, Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road, Egmore, Chennai-600 008

3.The Special Thasildhar,
(Chennai Outer Ring Road Acquisition Section - Morai Village)
Ponamallee Taluk Thiruvallur District

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to R.C.No.3292/ 2018/ F3 dated ...10.2018 and to quash the same consequently directing the respondent to pay the enhanced compensation to the petitioner in respect of the Plot Nos.57, 68, 69 and 70 situated in Survey No.400/9A1A, Morai Village, Ambathur Taluk,



W.P.No.29247 of 2019

Thiruvallur District

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For Petitioner : Mr.P.Sesubalan Raja

For Respondents : Mr.N.Naveen Kumar,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the first respondent thereby rejecting the request made by the petitioner seeking enhancement of compensation for the acquired lands lands at plot nos.57, 68, 69 and 70 admeasuring 9600 sq.ft. in survey Nos.399/3B, 399/3C, 400/9 in Devi Nagar, Morai village, Ambattur Taluk, Thiruvallur District.

2. The petitioner had purchased plot nos.57, 68, 69 and 70 admeasuring 9600 sq.ft. in survey Nos.399/3B, 399/3C, 400/9 in Devi Nagar, Morai village, Ambattur Taluk, Thiruvallur District by the registered sale deed dated 01.12.2009 vide document Nos.8845 & 8846 of 2009. Thereafter, the petitioner came to understand that the subject



W.P.No.29247 of 2019

property was already acquired by the third respondent for the purpose of forming Chennai Outer Ring Road. It was suppressed by her vendor and sold out in favour of the petitioner. The petitioner as well as as her vendor did not know about the land acquisition proceedings and for what purpose the land was acquired. Therefore, the petitioner approached this Court in WP.No.24663 of 2015 for direction to the third respondent herein to pay compensation for the subject property. This court by order dated 26.11.2015 directed the third respondent to furnish the details about the land acquisition proceedings. Thereafter, the petitioner was provided with all documents in respect of the land acquisition proceedings and she came to know that originally award was passed for the acquired lands at the rate of Rs.500/- per cent. Subsequently it was referred for enhancement of compensation. Accordingly, compensation was enhanced from Rs.500/- to Rs.10,000/- per cent in respect of the land comprised in survey No.400/9 which is situated adjacent to the subject land in this writ petition. Therefore, the petitioner submitted application for enhancement of compensation and the same was rejected by the first respondent on the ground that request for enhancement of compensation was made belatedly since as per the provisions under Section 28A of the Land Acquisition Act, 1894, it is to be made within a period of six weeks.

3/6



W.P.No.29247 of 2019

3. On perusal of records, it is revealed that compensation was enhanced in LAOP.No.155 of 2008 by an order dated 24.10.2016. In the meantime, the petitioner approached this Court in the year 2015 in WP.no.24663 of 2015 and obtained order dated 26.11.2015. Thereafter, the petitioner was provided with all the documents in respect of the land acquisition proceedings. Therefore, there was delay to make application for enhancement of compensation as fixed by the Tribunal. Hence, this Court finds infirmity in the impugned order passed by the first respondent and the same cannot be sustained. Accordingly, the impugned order dated .10.2018 is set aside. Further, as per the order passed by the Tribunal, compensation was enhanced from Rs.500/- to Rs.10,000/-. As such, the petitioner is also entitled to compensation at the rate of Rs.10,000/- per cent. Though the petitioner is a subsequent purchaser, after purchase, she stepped into the shoes of the original land owner and she is entitled to receive the enhanced compensation.

4. Accordingly, the first respondent is directed to disburse the enhanced compensation of Rs.10,000/- per cent for the lands purchased by the petitioner with interest, as awarded by the Tribunal, within a period of four weeks from the date of receipt of this order.



W.P.No.29247 of 2019

WEB COPY

5. With the above direction, this writ petition stands allowed.

There shall be no order as to costs.

08.10.2025

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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To

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WEB COPY



W.P.No.29247 of 2019

G.K.ILANTHIRAIYAN, J.

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