



WEB COPY

WA No. 3272 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-10-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**W.A. No. 3272 of 2023
and C.M.P.No.26656 of 2023**

1. The Special Tahsildar
Land Acquisition, North
Neighbourhood Project, Madurai.

2. The District Collector
Anna Dindigul District, Dindigul.

Appellant(s)

Vs

S. Muthusamy Gounder (Died)
1.Ayyavu
S/o. Late. Muthusamy Gounder,
Kiriyaampatti, Agaram Post and Village,
Dindigul Taluk, Dindigul District

2.Appayee,
W/o. Nagappan, D.No.Kosavaptti,
Vedasanthur Taluk, Dindigul

3.Ramuthai
W/o. Palanisamy, D.No.Mottanampati,
Vadamadurai, Dindigul



Respondent(s)

WEB PRAYER

The Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order dated 22.02.2022 made in W.P.No. 10942 of 2015.

For Appellant(s): Mr. A.Selvendran
Special Government Pleader

For Respondent(s): No appearance

JUDGMENT

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The Writ Order dated 22.02.2022 passed in W.P.No.10942 of 1995 came to be challenged in the present Intra-Court Appeal.

2. The Special Tahsildar, Land Acquisition, North Neighbourhood Project, Madurai, is the appellant herein. Admittedly, the land belonged to the first respondent was acquired and compensation had been settled. The petition was filed seeking enhancement of compensation. Since enhancement was rejected by the authorities vide proceedings dated 26.07.1995, the respondents filed a Writ Petition seeking direction to the District Collector to redetermine the compensation payable to the petitioner on the basis of the amount of compensation awarded by the High Court in A.S.No.822 of 1987, dated 20.01.1993. The Writ Court allowed the Writ Petition relying on the judgment of the Hon'ble Supreme Court in the case of A.Vembusekara Vs. the Special Tahsildar, Namakkal, in C.A.No.6899 of 2022, dated 19.02.2010. The



matter was remanded to the District Collector for fresh consideration and to redetermine the compensation payable to the respondent / erstwhile owners of the acquired lands.

3. The learned Special Government Pleader would mainly contend that the application has been filed after a long period of time and thus, the Writ Court ought not to have remanded the matter, but, should have rejected the claim on the ground of delay.

4. In this context, the Hon'ble Supreme Court in the case of Banwari Vs. Haryana State Industrial and Infrastructure Development Corporation Limited 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 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 Objections 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.

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5. Since the erstwhile land owners are entitled to file an application even beyond the permissible time limit, such an application ought to be considered on merits. Thus, this Court does not find any infirmity in respect of the order of the Writ Court remanding the matter to the District Collector for fresh consideration and to redetermine the compensation payable to the first respondent / erstwhile land owner based on the order dated 20.01.1993 passed in A.S.No.822 of 1987. The District Collector, Dindigul, is directed to complete the said exercise within a period of either (8) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.SUBRAMANIAM J.) (MOHAMMED SHAFFIQ J.)
25-10-2025

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To

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