



W.P.No.29340 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.29340 of 2025

M.Palaniappan

: Petitioner

Vs.

1.The District Collector,
O/o District Collectorate,
Vazhudavur Road,
Puducherry-605 009.

2.The Deputy Collector (Revenue) North,
cum Land Acquisition Officer,
Saram Revenue Complex,
Puducherry -605 013.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the second respondent to consider petitioner's representation dated 16.06.2025 in connection with re-determination of the amount of compensation under Section 28A of Land Acquisition Act in light of the judgment of this Court on 12.12.2024 in W.P.No.37179 of 2024 within time frame that may be fixed by this Court.

For Petitioner : Mr.P.Sudagar

For Respondents : Mr.V.Vasantha Kumar
Additional Government Pleader (P)



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ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed praying for a writ of mandamus to direct the second respondent to consider petitioner's representation dated 16.06.2025 in connection with re-determination of the amount of compensation under Section 28A of Land Acquisition Act in light of the judgment of this Court in W.P.No.37179 of 2024 dated 12.12.2024 within time frame to be fixed by this Court.

3. Learned Additional Government Pleader would place reliance upon a written instruction of the Revenue Officer dated 11.08.2025, wherein it stated as under:

"3. Further, in this connection it is submitted that the petitioner has filed an application to this office dated 14.08.2024 for reference u/s 18. In response to his application this office furnished a reply dated 30.09.2024 stating that the application for the reference was not made within the stipulated time, and his request to make reference for enhancement of compensation



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under Section 18(1) of the Land Acquisition Act, 1894 cannot be acceded to. Aggrieved by the reply, the petitioner has filed a Writ Petition 36147 of 2024 before Hon'ble High Court of Madras with a prayer to quash the proceedings of Land Acquisition Officer dated 30.09.2024 and direct the respondent to grant the enhanced compensation of Rs.175/- per square feet in terms of order passed in L.A.O.P.No.51 of 2008 dated 29.07.2015 by the III Additional District Judge at Puducherry and the said Writ Petition is pending before the Hon'ble High Court of Madras.

4.Further, the petitioner has filed an application to this office dated 16.06.2025 for redetermination of compensation u/s 28(A) of LA Act 1894 based on the Common Order passed by the Hon'ble High Court of Madras dated 17.10.2023 in A.S.No.249 and 250 of 2018. In the instant case, the petitioner has filed the application u/s 28(A) of LA, Act 1894 to this office with a delay period of 293 days excluding the stipulated period of 3 months from the date of order of Hon'ble High Court and also without furnishing the certified copy of the Judgment and Decree in this regard. Moreover, this office has sent letter vide No.605/DC(R)N/LA/U/2003-2005/896 dated 28.03.2025 to Advocate on Record (AOR), Supreme Court to file Revision Petition before the Hon'ble Supreme Court against the judgment passed by the Hon'ble Supreme Court in Dairy Nos.39073 and 58384 of 2024 arising out the Common judgment passed by Hon'ble High Court, Madras in A.S.No.249 and 250 of 2018 dated 17.10.2023 and in A.S.No.93, 493 of 2018 and 522 of 2021 dated 19.10.2023. However, the AOR is yet to file the Revision Petition before the Hon'ble Supreme Court. Hence, the claim of the petitioner at this stage with a prayer directing the 2nd respondent to consider his representation dated 16.06.2025 cannot be considered



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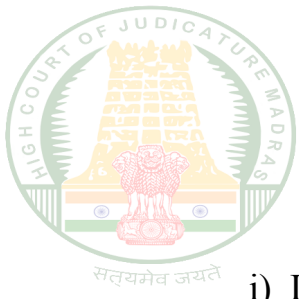
*for the reason that this office is in the process of filing
Revision Petition, before the Hon'ble Supreme Court.*

4. Though in paragraph 4 of the above written instruction, it is stated revision petition, the learned Additional Government Pleader clarified that it only refers to a review petition.

5. Since there is no proceedings pending before the Hon'ble Supreme Court as of now and there is only a proposal to approach the Hon'ble Supreme Court, this Court is of the view that cannot be a reason for refusing to consider the petitioner's representation.

6. At this juncture, learned counsel for the petitioner seeks to place reliance upon any judgment, judicial order, Government Order, etc. before the second respondent in support of his claim for enhanced compensation, which was agreed to by the learned Additional Government Pleader for respondents.

7. In view of the limited relief that is prayed, this court is inclined to dispose of the writ petition with following directions:



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i) It is open to the petitioner to place reliance upon any judicial order, Government Order, etc. before the second respondent in support of his claim for enhanced compensation.

ii) If any such judicial order, Government Order, etc. are placed, the second respondent shall consider the same along with petitioner's representation dated 16.06.2025, after issuing notice and affording a reasonable opportunity of hearing to the petitioner and all other interested parties including rival claimants, if any.

ii) Though facts have been set out in affidavit, in view of the limited relief that is sought to be granted, I do not propose to examine the same, lest it may influence the authority. The authority shall independently consider the facts and law set out in the application and pass appropriate order in accordance with law.

iii) The petitioner's representation dated 16.06.2025 shall be disposed of within a period of twelve (12) weeks from the date of uploading of web copy without waiting for the receipt of certified copy.

iv) It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law. Rights and contentions of the petitioner and all other interested parties are left open.



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8. Accordingly, the writ petition stands disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.08.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn

To

1.The District Collector,
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2.The Deputy Collector (Revenue) North,
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MOHAMMED SHAFFIQ, J.

(mrn)

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