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W.A No. 2930 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No.2930 of 2025

And

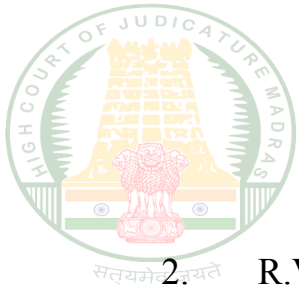
CMP.No.23705 of 2025

1. The Land Acquisition Officer cum
District Collector
Kancheepuram
District Collector's Office
Kancheepuram.
2. The Special Tahsildar (Land Acquisition)
Chennai City Water Ways Scheme
Ambattur Taluk Office Building,
1st Floor, Ambattur, Chennai-600 053.
3. The Executive Engineer
Kosathalaiyur Basin Division W.R.O.,
Public Works Department
Thiruvallur Division
Thiruvallur Town and District.

..Appellants

Vs

1. R.Selvam
S/o.Late Rose Pillai



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2. R.Venkatesan
S/o.Late Rose Pillai
3. Banu,
D/o. Late Rose Pillai
4. R.Kannapiran
S/o.Rose Pillai
5. K.Mariyamma
D/o. Late Rose Pillai
6. A.Sulochana
D/o.Late Rose Pillai
7. R.Prabakaran
S/o. Late Rose Pillai
8. Amulu,
D/o. Late Rose Pillai
9. Jaya
D/o. Late Rose Pillai
10. L.Tamil Selvan
S/o.Late V.Loganathan
11. Ezhilarasi
W/o.Late Sridhar
12. Porkodi
W/o.R.Prabakaran
13. L.Porchezian
S/o.Late V.Loganathan

..Respondents



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Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order dated 18.02.2025 made in W.P.No.1188 of 2025.

For Appellants : Mr.E.Vijay Anand
Additional Government Pleader
For Respondents : Mr.J.Ram

J U D G M E N T

(Made by **HEMANT CHANDANGOUDAR, J.**)

This intra-court appeal is directed against the order dated 18.02.2025 passed by the learned Single Judge in W.P. No. 1188 of 2025, whereby the learned Single Judge directed the first appellant to consider and dispose of the representation submitted by the respondents/writ petitioners on 30.09.2024, within a period of three months from the date of receipt of a copy of the order.

2. The case of the respondents/writ petitioners, in brief, is that they had submitted a representation to the appellants seeking extension of the benefit of enhanced compensation that had been awarded to other landowners whose lands were acquired under the same notification and for the same public



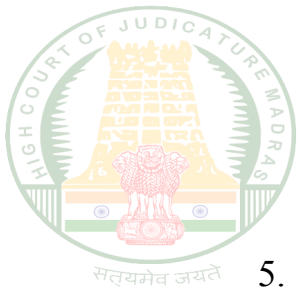
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purpose including the lands belonging to the respondents/writ petitioners. The alleged inaction on the part of the appellants in considering the said representation constrained the respondents/writ petitioners to approach this Court by filing the aforesaid writ petition.

3. The learned Single Judge, after hearing both sides, placed reliance on Section 28-A of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act 1894” for the sake of brevity) and on the decision of the Hon’ble Supreme Court in *Narendra and Others v. State of Uttar Pradesh and Others reported in (2017) 9 SCC 426*, and consequently issued the impugned direction.

4. Mr. E. Vijay Anand, learned Additional Government Pleader appearing for the appellants/State, contended that the respondents/writ petitioners had failed to file their representation/application seeking enhanced compensation within three months from the date of the award granting such enhancement, as specifically required under Section 28-A(1) of the Act 1894. Therefore, the claim made by the respondents/writ petitioners was barred by limitation, and the learned Single Judge erred in granting the impugned relief.



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5. Per contra, Mr. J. Ram, learned counsel for the respondents/writ petitioners, submitted that the Land Acquisition Act is a beneficial legislation intended to ensure just compensation to land losers, and that the learned Single Judge, by correctly applying the ratio of *Narendra* (supra), rightly held that the benefit of enhanced compensation cannot be denied to similarly situated landowners merely on the ground of limitation. Hence, it was argued that the impugned order calls for no interference.

6. The rival submissions advanced by the learned counsel on either side have been carefully considered, and the material records perused.

7. It is not in dispute that the lands belonging to the respondents/writ petitioners, along with those of other landowners, were acquired under the same notification and for the same public purpose. Initially, the compensation was fixed at Rs. 1,500/- per cent, which the respondents/writ petitioners received under protest. Subsequently, on a reference, the Reference Court passed an award dated 19.02.2019 enhancing the compensation. Aggrieved by the inadequacy of such enhancement, certain landowners preferred A.S. Nos. 31 and 32 of 2015 before this Court, and the Division Bench, by judgment dated



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17.11.2017, further enhanced the compensation to Rs. 39,240/- per cent.

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Thereafter, in Civil Appeal Nos. 9531 and 9532 of 2018, the Hon'ble Supreme Court, by order dated 25.05.2023, enhanced the compensation to Rs. 50,000/- per cent.

8. The respondents/writ petitioners submitted a representation dated 30.09.2024, seeking extension of the said benefit of enhanced compensation. It is true that under Section 28-A(1) of the Act 1894, an application for re-determination of compensation is to be made in writing to the Collector within three months from the date of the award of the Court. However, being a beneficial piece of legislation, the Act 1894 casts a duty upon the Collector to inform those landowners who had not approached the Reference Court of the enhancement granted to similarly situated landowners, so that they may avail themselves of the statutory benefit under Section 28-A.

9. Failure to issue such notice or to inform the landowners of the enhanced compensation deprives them of an opportunity to exercise their statutory right. In the present case, it is an admitted position that no such notice was issued to the respondents/writ petitioners by the Collector. Consequently,



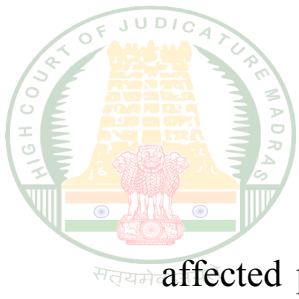
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the respondents/writ petitioners cannot be faulted for the delay in filing their representation.

10. The learned Single Judge has rightly relied upon the dictum of the Hon'ble Supreme Court in *Narendra and Others v. State of Uttar Pradesh and Others (supra)*, wherein it was held that once fair compensation is judicially determined, all landowners whose lands are acquired under the same notification are entitled to receive the same, and that failure to extend such parity would amount to discrimination. The Hon'ble Supreme Court observed that technical grounds, such as delay or procedural default, cannot defeat the substantive right to equality in compensation, which flows from the principles of fairness and non-discrimination in governance.

11. Further, The Apex Court, in the case of *New Okhla Industrial Development Authority vs. Harnand Singh (Deceased) through LRs and Others*, reported in **2024 INSC 509**, vide judgment dated 10.07.2024, held that Section 28-A of the Act 1894, serves as a legislative safeguard against discrimination in the grant of compensation. It stipulates that if an individual whose land has been acquired receives enhanced compensation, all other



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affected persons covered by the same notification under Section 4 of the Act are entitled to seek parity with such enhancement.

12. Therefore, the respondents/writ petitioners cannot be denied the benefit of enhanced compensation merely on the ground that their representation/application was made three months after the judgment was passed by the Apex Court. Moreover, in this context, the Collector did not issue any notice or communicate the order passed by the Apex Court to the respondents/writ petitioners, thereby failing to bring to their knowledge the enhanced compensation awarded to similarly situated landowners.

13. The respondents/writ petitioners, therefore, cannot be denied enhanced compensation on technical grounds, as doing so would result in discrimination and defeat the very object and purpose of Section 28-A of the Act 1894.

14. In view of the foregoing discussion, this Court finds no infirmity or illegality in the impugned order dated 18.02.2025 passed by the learned Single Judge in W.P. No. 1188 of 2025, warranting interference in appeal.



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15. Accordingly, the Writ Appeal stands ***dismissed***. The appellants are granted two months time to comply with the direction issued by the learned Single Judge from the date of uploading of this order on the official website of this Court. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

(R.S.K.,J)

(H.C., J)

26.09.2025

Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

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