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W.P.No.42695 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.11.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.42695 of 2025

and

W.M.P.No.47759 of 2025

S.Devendrakumar

...Petitioner

Vs.

1 THE SPECIAL TAHSILDAR,
LAND ACQUISITION UNIT-1
OUTER RING ROAD PROJECT PHASE-I
KMMC COMPLEX KOYAMBEDU
CHENNAI-600 107.

2 THE MEMBER SECRETARY,
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
CHENNAI-600 008.

..Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records of impugned order passed by the 1st respondent herein vide Proceedings No.Oo.Mu.No.675/2025/Vey.va.Paa.thi dated 26.9.2025 and quash the same as illegal and consequently, to direct the respondents to re-determine the compensation payable to the petitioner under Section 28-A of the Land Acquisition Act 1894 on par with enhanced compensation awarded by the Honble Sub Judge, Kancheepuram in L.A.O.P.No.22 of 2015 (24



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Batch cases) on 01.09.2018 and confirmed by the Honble High court Madras in A.S.No.333 of 2021(24 Batch cases) on 07.01.2022 with all consequential and statutory benefits

For Petitioner : Mr.R.Sathiamoorthy
for M/s. SVV Law Firm

For Respondent-1 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

For Respondent-2 : Mr.Akhil Akbar Ali
Standing Counsel for CMDA

Order

The challenge in this Writ Petition is to the order passed by the first respondent dated 26.09.2025 and to quash the same as illegal and consequently, to direct the respondents to re-determine the compensation payable to the petitioner under Section 28-A of the Land Acquisition Act 1894 on par with enhanced compensation awarded by the Honble Sub Judge, Kancheepuram in L.A.O.P.No.22 of 2015 (24 Batch cases) on 01.09.2018 and confirmed by the Honble High court Madras in A.S.No.333 of 2021(24 Batch cases) on 07.01.2022 with all consequential and statutory benefits

2. Learned counsel for the petitioner would submit that a



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notification under Section 4 (1) of the Land Acquisition Act vide

G.O.(Ms.)No.347 dated 06.08.2001 was issued by the first respondent,

pursuant to which, the petitioner's land was acquired by the first

respondent/Land Acquisition Officer; that thereafter, an Award was passed

by the first respondent on 05.09.2003, challenging the said award, the

landowners, who were similarly placed like that of the petitioner herein,

sought for enhancement of compensation, in L.A.O.P.No.22 of 2015 before

the Sub Court, Kancheepuram; that the learned Sub Judge, vide order dated

01.09.2018, enhanced the compensation and the said order was also

confirmed by this Court in A.S.Nos.333,335 to 338 of 221, therefore, the

petitioner made a representation dated 31.03.2022 for re-determination of

the compensation, but, the same has been rejected by the first respondent

vide order dated 26.09.2025 by citing the reason that the petitioner was not

a party to the reference proceedings and challenging the said order dated

26.09.2025, the present Writ Petition is filed.



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2.1 Therefore, it is the contention of the learned counsel for the petitioner that when similarly placed persons like that of the petitioner have filed Land Acquisition Original Petitions for enhancement of the compensation, whereby, the compensation was enhanced, and the Appeals preferred against the order passed by the Reference Court was dismissed by this Court and in the absence of any further Appeal preferred against the said judgment dated 07.01.2022, the said judgment also attained finality, the petitioner is entitled to the benefit of the order passed by the Reference Court despite the fact that the petitioner is not a party to such reference proceedings. In support of such contention, the learned counsel referred to the law laid down by the Hon'ble Supreme Court in the case of **Narendra and others Vs. State of U.P. And others** reported in **(2017) 9 SCC 426**. Thus, by averring so, the learned counsel prays for setting aside the impugned order and to issue appropriate direction.

3. The learned Additional Government Pleader for the first respondent, Land Acquisition Officer though justified the order passed by the first respondent dated 26.09.2025 by contending that since the petitioner



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is not party to the proceedings initiated by the similarly placed landowners, the representation of the petitioner has been rejected, however, fairly admitted that in the light of the law laid down by the Hon'ble Supreme Court, in the case of **Narendra'** (cited *supra*), the petitioner is entitled to the benefit of the enhanced compensation, as that was ordered to the petitioner's adjacent landowners, and therefore, submits that any order passed by this Court in that regard would be complied with.

4. Heard Mr.R.Sathiamoorthy, learned counsel for the petitioner, Mr.M.R.Gokul Krishnan, learned Additional Government Pleader for first respondent and Mr.Akhil Akbar Ali, learned Standing Counsel for second respondent/CMDA and perused the materials available on record.

5. It is an undisputed fact that a notification under Section 4 (1) of the Land Acquisition Act vide G.O.(Ms.)No.347 dated 06.08.2001 was issued by the first respondent, pursuant to which, the petitioner's land along with other adjacent lands were acquired by the respondents for formation of outer ring road. Pursuant to such acquisition, an award was passed by the



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first respondent, Land Acquisition Unit vide Award No.6 of 2003 dated 05.09.2003. Not being satisfied with the compensation awarded by the first respondent, the other landowners, who were similarly placed like that of the petitioner herein, filed Land Acquisition Original Petitions in L.A.O.P.No.22 of 2015, etc. (batch) before the Reference Court (Sub Court, Kancheepuram). The learned Sub Judge, Kancheepuram, vide order dated 01.09.2018 enhanced the compensation from Rs.898.55 per cent to Rs.19,120/- per cent, together with 30% solatium and interest at 9% p.a. from the date of the award. Though the said order was challenged by the first respondent/Land Acquisition Officer before this Court by way of Appeals, the learned Single Judge vide a Common Judgment dated 07.01.2022, confirmed the order passed by the learned Sub Judge, Kancheepuram, dated 01.09.2018 and the said Judgment has also attained finality, as no further Appeal was preferred as against the said judgement by the first respondent. Therefore, the petitioner made a representation dated 31.03.2022 for re-determination of the compensation. However, the said representation has been rejected by the first respondent vide order dated 26.09.2025 on the ground that the petitioner was not a party to the



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enhancement proceedings. Hence, the present Writ Petition.

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5.1 As rightly pointed out by the learned counsel for the petitioner, in the light of the law laid down by the Hon'ble Supreme Court in the case of **Narendra and others Vs. State of U.P. And others** reported in (2017) 9 SCC 426, the petitioner is entitled to the benefit of the enhanced compensation as per Section 28A of the Land Acquisition Act, which provides for redetermination of compensation for those landowners, though they did not seek for Reference of the compensation, in this connection, it would be apposite to refer to the relevant para from the said decision, which is extracted hereunder:-

' In order to ensure that the landowners are given proper compensation, the Act provides for "fair compensation". Once such a fair compensation is determined judicially, all landowners, whose land was taken away by the same notification should become the beneficiary thereof. Not only it is an aspect of good governance, failing to do so would also amount to discrimination by giving different treatment to the persons though identically situated. On technical grounds, like the one adopted by the High Court in the



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impugned judgment, this fair treatment cannot be denied to them.”

5.2 A reading of the above decision makes it clear that "in an acquisition proceedings, if an award is passed, any of the landowners challenged the method and manner of award passed by the Land Acquisition Authority, whereby, compensation is enhanced, and the said decision attains finality, the benefit of the said decision would squarely apply to all the landowners of the State, despite they have not challenged the award, even, in the event they are approaching for re-determination of compensation subsequent to the judgment attains finality.

5.3 Thus, in the light of the law laid down by the Hon'ble Supreme Court, in the case of **Narendra and others (cited supra)**, the petitioner is entitled to reap the benefit of the order passed by the Learned Sub Judgment, Kancheepuram in L.A.O.P.No.22 of 2015, dated 01.09.2018, as the said order of enhancement of compensation was confirmed by the learned Single Judge of this Court in A.S.No.333 of 2021 vide Judgment and decree dated 07.01.2022 and in the absence of any further Appeal



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preferred by the first respondent as against the said judgement, the order passed by the learned Sub Judge, Kancheepuram attained finality.

5.4 Therefore, the petitioner, on the strength of the order passed by the learned Sub Judge in L.A.O.P.No.22 of 2021 dated 01.09.2018, which was in fact confirmed by this Court in Appeals filed by the first respondent in A.S.No.333 of 2021 vide judgment dated 07.01.2022 and placing reliance on the law laid down by the Hon'ble Supreme Court, in Narendra's case (cited supra) has made a representation dated 31.03.2022 seeking for re-determination of compensation under Section 28 (A) of the Land Acquisition Act, as the said provisions enables for re-determination of the compensation for those landowners, who did not sought for reference. However, the first respondent without taking into consideration of the fact that the law on this aspect is well-settled by the Hon'ble Supreme Court, in **Narendra's case (cited supra)** committed a fault in the decision making process and erroneously rejected the petitioner's representation.

5.5 Therefore, this Court is of the firm view that the impugned order passed by the first respondent is not sustainable in law and has to be set



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aside.

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6. Accordingly, this Court pass the following orders:-

i) The impugned order passed by the first respondent dated 26.09.2025 is set aside.

ii) Consequently, the first respondent is directed to re-determine the compensation payable to the petitioner on par with enhanced compensation awarded by the learned Sub Judge, Kancheepuram in L.A.O.P.No.22 of 2015 on 01.09.2018 and confirmed by this Court in A.S.No.333 of 2021 vide judgement dated 07.01.2022 by taking into consideration of the law laid down by the Hon'ble Supreme Court, in the case of **Narendra and others Vs. State of U.P. And others** reported in **(2017) 9 SCC 426**.

iii) The aforesaid exercise shall be completed by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.

7. In fine, the Writ Petition is allowed on the aforesaid terms. No costs. Consequently, connected Miscellaneous Petition is closed.



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Index : yes/no

Neutral Citation : yes/no

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Krishnan Ramasamy,J.,

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