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W.P.No 42835 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No. 42835 of 2025

K.R.JAGANNATHAN

..Petitioner

Vs.

- 1 STATE OF TAMILNADU
REP BY ITS SECRETARY,
REVENUE DEPARTMENT
FORT ST. GEORGE CHENNAI-600 009.
- 2 THE DISTRICT COLLECTOR
TIRUVANNAMALAI- KANCHIPURAM ROAD,
THAIYAR KULLAM, KANCHEEPURAM
TAMIL NADU- 631 501.
- 3 THE TAHSILDAR
KUNDRATHUR TALUK OFFICE,
MEHTA NAGAR MAIN ROAD
KUNDRATHUR, CHENNAI, TAMIL NADU-600 069.

...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 and to quash the same as arbitrary Writ Petition filed under Article 226 of the COnstitution of India seeking for issuance of a certiorarified mandamus to call for the records from the file of the third respondent and relating to the impugned award in Na.Ka.3306 OF 2022/1 dated 04.07.2025 passed by the third respondent and to quash the same and consequently, to direct the second respondent to pass a fresh award in accordance with the mandate of the Right to



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fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and to pay the petitioner the award amount so passed along with appropriate interest.

For Petitioner : Mr.V.Raghavachari
Senior Counsel

For Respondents : Mr.G.Velu,
Additional Government Pleader

Order

The challenge in this Writ Petition is to the order passed by the third respondent, Tahsildar, Kundrathur, Chennai dated 04.07.2025 and to quash the same, and consequently, to direct the second respondent-District Collector to pass a fresh Award in accordance with the Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, RFCTLARR Act,2013).

2. It is the contention of the learned Senior Counsel for the petitioner that the third respondent, while determining the compensation, ought to have taken into consideration the market value of the petitioner's land, which is at Rs.2000/- per sq.ft., whereas, the third respondent has fixed the land value at Rs.343/- per sq.ft, and determined the compensation, which is meager. It is further averred by the learned Senior Counsel for the petitioner that in

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respect of the same acquisition proceedings initiated by the respondents against the same land owner, (petitioner herein) with respect to the lands situated adjacent to the petitioner's subject lands, in the same area (viz., Kundrathur), the second respondent determined the compensation by fixing the land value at Rs.1682/- per sq.ft. but so far as the subject land is concerned, it is not known on what basis, the third respondent fixed the value of the land at Rs.343/- per sq.ft.

2.1 Therefore, the learned Senior Counsel contended that there is a huge disparity in fixation of compensation by the third respondent; that even assuming that the petitioner's land is a wet land, that cannot be a ground for the third respondent to determine the compensation with such huge disparity, inasmuch as, the said wet lands are situated very adjacent to the petitioner's other lands, and the disparity could be only around Rs.100 or Rs.200 per sq.ft., as there is no significant difference between those two lands, and therefore, contended that fixation of the land value at Rs.1682/- per sq.ft., for particular survey numbers of the petitioner's lands and fixation of land value at Rs.343/-per sq.ft for other survey numbers of the land, when admittedly, both lands are situated next to each other, in the same area, owned by the



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same land owner (petitioner) would per se shows that the third respondent has failed to comply with Section 26 of the Act and also reflects his arbitrary and inconsistent method of valuation.

2.2 It is furthermore averred by the learned Senior Counsel for the petitioner that due to such acquisition proceedings, the utility and layout of the remaining lands were completely destroyed, therefore, the third respondent while determining the compensation, ought to have taken into consideration of this devastating impact and fixed the compensation, instead, the third respondent has determined the compensation by taking the land value at Rs.343/- which resulted in awarding low compensation to the petitioner.

2.3 The learned Senior Counsel for the petitioner further submitted that though aggrieved by the award passed by the second respondent dated 30.04.2025, the petitioner can seek for reference by filing an application under Section 64 of the Act before the Reference Court, it is the grievance expressed on behalf of the petitioner during the course of his submission that the petitioner has not been served with the award passed by the second



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respondent dated 30.04.2025 but has been served only with the order passed by the third respondent dated 04.07.2025, which is in consequent to the said award and hence, the petitioner is not in a position to challenge the award dated 30.04.2025 passed by the second respondent dated 30.04.2025 but has challenged the determination of compensation passed by the third respondent by virtue of the order dated 04.07.2025.

2.4 The learned Senior Counsel for the petitioner also relies on a decision rendered by the Hon'ble Supreme Court in the case of Krishan Krishan Kumar Vs. State of Haryana and others reported in (2025) SCC 1043, in support of his contention that when both the lands are wet lands situated next to each other, even the owner of the said land is also one and the same and the purpose of the acquisition is also the same, there can be no discrimination in fixation of the land value. Thus, by averring so, the learned Senior Counsel requested this Court to make re-calculation of the award insofar as the petitioner's subject land is concerned without setting aside the other portion of the award.



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3. Per contra, it is the contention of the learned Additional Government Pleader for respondents that the Government have accorded administrative sanction for acquisition of ryot wet patta lands measuring 79,012 sq.mts in Kundrathur B Village, for the widening of the Adyar River from Chembarabakkam; that accordingly, notice under Section 19(2) of the Act was issued by the second respondent calling for objections from the land owners; that the petitioner/landowner filed his objection, which was considered and after hearing the petitioner, an award was passed by the second respondent/District Collector dated 30.04.2025; that by taking into consideration of the land value determined by the Commissioner of Land Administration, Chennai dated 20.03.2025, compensation was determined; that since the petitioner's lands fall under two categories, viz., irrigation wet land and ii) residential special category-II, the average sale value is determined as Rs.1614 and Rs.11861 per sq.ft respectively for those two categories of land, subsequently, award was passed for payment of compensation for 8.63 acres of the petitioner's land by the District Collector on 30.04.2025 by taking the land value at Rs.1682/-per sq.ft., as well as by the Tahsildar dated 04.07.2025, by fixing the value of the petitioner's land at Rs.343/- per sq.ft.



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3.1 Therefore, it is contended by the learned Additional Government Pleader for the respondents that there is no discrimination or disparity as alleged by the petitioner in determining the compensation; that in accordance with the provisions of Section 26 of the Act and after adhering to the rules and regulations, amount of compensation for the petitioner's land was determined. If at all, the petitioner is aggrieved by the award, he has to seek reference of the same under Section 64 of the Act and if he is aggrieved by the order of the Reference Court, the same has to be challenged under Section 74 of the Act before this Court and therefore, he prays for dismissal of the Writ Petition.

3.2 So far as the grievance expressed by the learned Senior Counsel on behalf of the petitioner during the course of his submission that the petitioner has not been served with the copy of the award passed by the second respondent/District Collector dated 30.04.2025, the learned Additional Government Pleader has served the copy of the award dated 30.04.2025 passed by the second respondent to the learned Senior Counsel for the petitioner across the bar and oncegain, contended that the award can



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be put to challenge by the petitioner only by way of filing an application seeking for Reference under Section 64 of the Act and the Writ Petition challenging the order passed by the third respondent is not maintainable.

4. I have given due considerations to the submissions made on either side and perused the materials placed on record.

5. The petitioner is the owner of the lands, measuring about 14 acres and 11 cents situated at Kundrathur B Villages, Kundrathur Taluk, Kanchipuram District. Out of 14.11 acres of the said lands, 8.63 acres of the lands were acquired by the second respondent under the provisions of RFCTLARR Act, 2013 for the purpose of widening of the Adyar River.

6. It is the contention of the petitioner that the prevailing land value of the petitioner's lands in the said area, viz., Kundrathur is Rs.2000/- per sq.ft.. In fact, the second respondent, while determining the compensation for the petitioner's own lands situated in the same area, taken the land value at Rs.1682/-, whereas, in respect of the lands comprised in other survey numbers, which are also owned by the petitioner situated adjacent to each



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other, the third respondent has determined the compensation by fixing the value of the land at Rs.343/- per sq.ft., which is meager. Therefore, the petitioner contends that there is a huge disparity in the award passed by the respondents. Though the petitioner can challenge the award by way of filing application under Section 64 of the Act, the petitioner has not been served with the award passed by the second respondent dated 30.04.2025 and only an impugned communication dated 04.07.2025 which is passed in consequent to the said award dated 30.04.2025 has been received by the petitioner and it is only thereafter, the petitioner came to know of such huge difference in fixation of the compensation and challenging the same, the present Writ Petition is filed, seeking for re-calculation of the award without setting aside the other portion of the award.

7. Per contra, it is the contention of the respondents that, the lands acquired from the petitioner falls under two categories, viz., i) Irrigation Wet Land and ii) Residential Special Category that; as per the guideline value fixed for those lands by the Commissioner of Land Administration, Chennai dated 20.03.2025, the compensation has been determined by the respondents and award has been passed, and if at all, the petitioner has any grievance by



the said award, the petitioner has to necessarily challenge the same by seeking Reference of the award under Section 64 of the Act before the Reference Court.

8. This Court is not able to accept the contentions of the learned Additional Government Pleader for the respondents. Though the learned Additional Government Pleader persuaded this Court by stating that the petitioner's lands falls under two categories; that insofar as the residential category of lands are concerned, the compensation was fixed at Rs.1682/- per sq.ft. and so far as the wet lands are concerned, the land value is fixed at Rs.343/- per st.ft, and further averred that there were two bore wells in the said lands for the purpose of cultivation so as to convince this Court that subject lands are wet land, as rightly pointed out by the learned Senior Counsel for the petitioner, even assuming without admitting that the petitioner's land is a wet land, the difference could be only around Rs.100/- per sq.ft. or Rs.200/- per sq.ft, and there could not be such huge difference at Rs.1,300/- per.sqt. between the lands situated next to each other in the same area, owned by the same owner (petitioner).



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9. Further, the respondents themselves, in the documents referred to by them, classified the petitioner's land as "residential lands" and therefore, there couldn't be such huge disparity in respect of the very same lands, when admittedly, there is no significant difference between both the lands owned by the petitioner and the third respondent ought to have adopted the same yardstick, as that was adopted by the second respondent at the time of determination of compensation for the petitioner's own adjacent lands.

10. At this stage, it would be apposite to refer to a decision rendered by the Hon'ble Supreme Court, in the case of **Ali Mohammad Beigh and others Vs. State of Jammu and Kashmir** reported in (2017) 4 S.C.C. 717, wherein, at para Nos.12 and 13, it is held as follows:-

" 12. As noted earlier, village Chandapora is situated adjacent to villages Bhagichandpora and Pazwalpora; while so, there was no reason why the Reference Court differentiated the land of the appellants-land owners of the acquired land in Chandapora land Reference No.15/2002 by awarding lesser compensation of Rs.2,50,000/-. On a perusal of the judgment of the Reference Court in Reference



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No.15 of 2002, it is seen that the witnesses were examined by the appellants to substantiate their case that the market rate of the land in village Chandapora in the year 1998 was about Rs.8,00,000/- per Kanal.

Though the Tehsildar of the area recommended Rs.2,50,000/- per Kanal, the witnesses have stated that the compensation fixed by Tehsildar was not reliable and not based on any material. The appellants have also produced a sale deed by one Mr. Bansilal under which he sold a small strip of land measuring 1360 sq. feet in the vicinity of the acquired land for an amount of Rs.1,00,000/-. But the Reference Court discarded the evidence of witness Bansilal on the ground that under the sale deed only a small area of land was sold and the sale deed cannot be taken to be a representative character of the entire land. In our view, the Reference Court was not right in discarding the said sale deed which was supported by oral evidence of the witnesses, to substantiate their claim that the market rate assessed by the Tehsildar at Rs.2,50,000/- was not a fair compensation.

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owners of the acquired land in Chandapora land Reference No.15/2002 by awarding lesser compensation of Rs.2,50,000/-. On a perusal of the judgment of the Reference Court in Reference No.15 of 2002, it is seen that the witnesses were examined by the appellants to substantiate their case that the market rate of the land in village Chandapora in the year 1998 was about Rs.8,00,000/- per Kanal. Though the Tehsildar of the area recommended Rs.2,50,000/- per Kanal, the witnesses have stated that the compensation fixed by Tehsildar was not reliable and not based on any material. The appellants have also produced a sale deed by one Mr. Bansilal under which he sold a small strip of land measuring 1360 sq. feet in the vicinity of the acquired land for an amount of Rs.1,00,000/-. But the Reference Court discarded the evidence of witness Bansilal on the ground that under the sale deed only a small area of land was sold and the sale deed cannot be taken to be a representative character of the entire land. In our view, the Reference Court was not right in discarding the said sale deed which was supported by oral evidence of the witnesses, to substantiate their claim that the market rate assessed by the Tehsildar at Rs.2,50,000/- was not a fair compensation.



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13. When the lands are more or less situated nearby and when the acquired lands are identical and similar and the acquisition is for the same purpose, it would not be proper to discriminate between the land owners unless there are strong reasons. In Union of India vs. Bal Ram and Another (2010) 5 SCC 747, this Court held that if the purpose of acquisition is same and when the lands are identical and similar though lying in different villages, there is no justification to make any discrimination between the land owners to pay more to some of the land owners and less compensation to others. The same was the view taken in Union of India vs. Harinder Pal Singh and Others. (2005) 12 SCC 564, where this Court held as under:-

"15. We have carefully considered the submissions made on behalf of the respective parties and we see no justification to interfere with the decision of the Division Bench of the Punjab and Haryana High Court which, in our view, took a pragmatic approach in fixing the market value of the lands forming the subject-matter of the acquisition proceedings at a uniform rate. From the sketch plan of the area in question, it appears to us that while the lands in question are situated in five different villages, they can be consolidated into one single unit with little to choose between one stretch of land and another.

The entire area is in a stage of development and the different villages are capable of being developed in the same manner as the lands comprised in Kala Ghanu Pur where the market value of the acquired



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lands was fixed at a uniform rate of Rs 40,000 per acre. The Division Bench of the Punjab and Haryana High Court discarded the belting method of valuation having regard to the local circumstances and features and no cogent ground has been made out to interfere with the same.

16. In our view, in the absence of any contemporaneous document, the market value of the acquired lands of Village Kala Ghanu Pur which were acquired at the same time as the lands in the other five villages was correctly taken to be a comparative unit for determination of the market value of the lands comprising the lands forming the subject-matter of the acquisition proceedings under consideration....”

11. Thus, a perusal of the aforesaid decision clearly depicts that "when lands are more or less situated nearby and when acquired lands are identical and similar and acquisition is for the same purpose, it would not be proper to discriminate between landowners unless there are strong reasons.

12. Yet another decision rendered by the Hon'ble Supreme Court, in the case of **Krishan Kumar Vs. State of Haryana and others** reported in **(2025) SCC Online SC 1043**, at para No.65 it is held as under:



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"Considering the foregoing analysis, it is evident that the differential compensation awarded to Kukrola and Fazalwas for lands in the inner belt lacks a sound evidentiary basis and violates the principle of equal treatment for similarly situated landowners. The High Court's reliance on isolated sale exemplars, without sufficient justification for the disparity, cannot be sustained. Given the established principles that adjacent lands with comparable potential must be awarded parity in compensation, we find it appropriate to rectify this anomaly. Accordingly, the compensation for lands abutting NH-8 up to a depth of 5 acres in Kukrola is enhanced to INR 1,21,00,000 per acre, bringing it at par with Fazalwas. Thus, while the claims for enhancement beyond this rate stand rejected, the appeals concerning Kukrola's inner belt lands succeed to the extent indicated above."

13. Thus, the decision rendered by the Hon'ble Supreme Court, in **Krishan Kumar's case** (referred to supra) makes it clear that there cannot differential compensation awarded to Kukrola and Fazalwas for lands in the inner belt lacks a sound evidentiary basis and violates the principle of equal treatment for similarly situated landowners.



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14. In fact, this Court, in a recent decision rendered in the case of .
Mrs.Sajjan Vs. the Special Tahsildar, Land Acquisition Unit-1, Outer Ring Road Project Phase-I, KMMC COMPLEX, Koyambedu, Chennai in **W.P.No.42691 of 2025 dated 11.11.2025**, based on 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** arrived at a conclusion 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. For better appreciation, the relevant para from the said decision is extracted hereunder:-

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**



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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 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



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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 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



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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 aside. “

15. Thus, this Court is of the view that the decisions rendered by the Hon'ble Supreme Court in the cases of **Ali Mohammad Beigh (cited supra)** and **Krishan Kumar** (cited supra) as well as by this Court, in **W.P.No.42691 of 2025 dated 11.11.2025** are squarely applicable to the facts of the case on hand, inasmuch as, in the present case, the acquired lands are more or less situated nearby and the area, where, such lands are situated



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is also identical and the purpose of acquisition is same and therefore, it would not be proper to discriminate between landowners, and if any such differential compensation is awarded to the petitioner, the same would lack evidentiary basis and violates the principle of equal treatment to the petitioner, who is also similarly situated like other landowners and that, the second respondent has already passed an award dated 30.04.2025 in an acquisition proceedings initiated against the petitioner herein and determined the compensation by fixing the land value at Rs.1682/- while that being so, this Court could not comprehend as to how, the third respondent has adopted different yardstick to the petitioner's subject land, when both the lands are adjacent to each other.

16. Thus, by applying the law laid down by the Hon'ble Supreme Court as well as the decision of this Court, referred to supra, the petitioner is entitled to the compensation as per the land value taken by the second respondent in the award dated 30.04.2025 and there cannot be any difference or disparity in fixation of the compensation for the same lands, situated in the same area, owned by the same land owner (petitioner) with respect to the same acquisition process.



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17. Therefore, this Court is of the view that the compensation fixed by the third respondent is required to be re-determined. So far as the contention of the learned Additional Government Pleader for the respondents is concerned, viz. the contention that the petitioner ought to have challenged the award by seeking reference under Section 64, if aggrieved by the said award is concerned, when fact remains that the copy of the award passed by the second respondent dated 30.04.2025 was not served on the petitioner and the petitioner has been served only with the impugned communication of the third respondent dated 04.07.2025, which is consequent to the said award, and it is only thereafter, the petitioner came to know of such huge disparity in fixing the compensation, the petitioner cannot be found fault with in challenging the impugned communication of the third respondent before this Court. Further, when the respondents have failed to adopt and apply the law laid down by the Hon'ble Supreme Court and this Court, certainly, Writ under Article 226 of the Constitution of India is maintainable.

18. Thus, this Court is inclined to set aside the award passed by the second respondent/District Collector and directs the District Collector to re-consider the matter afresh and re-determine the compensation.



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19. Accordingly, the impugned order passed by the third respondent dated 04.07.2025 is set aside and the matter is remanded to the third respondent for fresh consideration. The third respondent is directed to re-quantify the compensation by taking into consideration of the award dated 30.04.2025 passed by the second respondent/District Collector, Kancheepuram, which was passed in respect of the petitioner's own land situated adjacent to the subject land, in the light of the law laid down by the Hon'ble Supreme Court and this Court (as discussed hereinabove) and pass fresh orders within a period of 8 weeks from the date of a receipt of a copy of this order.

20. In the result, the Writ Petition is allowed. No costs.

27.11.2025

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Index : yes/no

Neutral Citation : yes/no

Issue on 31.12.2025.

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To

- 1 STATE OF TAMILNADU
REP BY ITS SECRETARY,
REVENUE DEPARTMENT
FORT ST. GEORGE CHENNAI-600 009.
- 2 THE DISTRICT COLLECTOR
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