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W.P.No.30322 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.30322 of 2018

1.M.Rajendran (deceased)
2.R.Vanaja
3.R.Rajiniganth
4.R.Rajeetha
(P2 to P4 are substituted as LRs
of deceased P1, vide order dated
23.09.2025 in W.M.P. No.26709 of 2021
in W.P.No.30322 of 2018)

..... Petitioners

Vs

1.The Special Tahsildar,
(Land Acquisition)
Naval Air Station Project,
Unit-5,
Ranipet, Vellore District.

2.The Defence Estate Officer,
Chennai Circle,
306, Anna Salai,
Chennai – 600 018.

3.The Special Subordinate Judge,
Special Court for LAOP Cases,
Arakkonam, Vellore District.

4.The Collector of North Arcot,
Sathvachari, Vellore District,
Vellore – 9.

.... Respondents



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Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing to the respondents to fix the compensation of Rs.750/- per cent for the property bearing S.No.34/2 admeasuring 0.21 cents and S.No.34/3 admeasuring 2.82 cents and in all 3.03 cents in Cheyyur Village, Arakkonam Taluk acquired by Government which is subject matter of LAOP No.22/88 with interest and solatium, after deducting the amount paid.

For Petitioner : Mr.K.V.Aanthakrushnan
For Respondents : Mr.T.Arunkumar
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondent to fix the compensation at the rate of Rs. 75/- per cent in respect of the property comprised in Survey No.34/2, admeasuring 0.21 cents and Survey No.34/3, admeasuring 2.82 acres, in all measuring 3.03 acres, situated at Cheyyur Village, Arakkonam Taluk, which were acquired by the Government.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. There were totally 1000 acres of land, which were acquired for establishment of Naval Air Base Station. As per the award, compensation was fixed at Rs.75/- per cent for manavari dry land and Rs.170/- per cent

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for wet land. Aggrieved by the same, some of the land owners raised objections and consequently, reference for enhancement of compensation were made under Section 18 of the Land Acquisition Act. The Reference Court enhanced the compensation to Rs.450/- per cent for Nanja and Rs.375/- per cent for manavari dry land. Aggrieved by the same, the land owners preferred appeal suits before this Court in A.S.No.933 of 1995, wherein this Court enhanced the compensation to Rs.750/- per cent for all categories of land, irrespective of their character. The said judgment was also challenged before the Hon'ble Supreme Court of India in SLP No.11436 of 2005 and the same was dismissed by order dated 17.11.2006, thereby confirming the order passed by this Court.

4. Insofar as the lands owned by the petitioners are concerned, though the lands were acquired and the petitioners were paid enhanced compensation at Rs.750/- per cent in respect of certain items, enhanced compensation was not paid in respect of four items of property comprised in Survey No.34/3, to an extent of six acres and four cents. Insofar as the remaining lands are concerned, the petitioners were already ordered compensation at the rate of Rs.750/- per cent, irrespective of the character of the land in W.P.No.24935 of 2013, by order dated 25.01.2022. The relevant portion of the order reads as follows :



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“7. On a perusal of counter affidavit filed by the second respondent, it was found that only the deceased petitioner filed an appeal as well as SLP against the judgment of the Reference Court rendered in L.A.O.P.No.682 of 1991 on the file of the Sub Court, Ranipet and the same were dismissed. Therefore, the petitioners are not entitled to file another suit for enhancement based on other judgments.

8. Admittedly, the properties comprised in Survey Nos.34/5, 34/7, 29/4, totalling an extent of 3 acres 51 cents, were divided and allotted to each one of the deceased petitioner's father and his father's brother's wife, to an extent of 1 acre 75.1/2 cents. In L.A.O.P.No.682 of 1991, the Land Acquisition Court awarded the compensation of Rs.375/- per cent for dry land and Rs.450/- per cent for wet land in respect of the land measuring to an extent of 1 acre and 75 1/2 cents. The appeal filed by the deceased deceased petitioner was dismissed at the stage of condone delay itself and the same was also confirmed by the Hon'ble Supreme Court on 01.05.2006 in S.L.P.No.1 of 2006.. However, under the same acquisition proceedings, the other land owners had filed appeal suits before this Court in A.S.No.51 of 2001 for enhancement of compensation. This Court, by judgment and decree dated 24.06.2004, enhanced the compensation amount to Rs.750/- per cent irrespective of classification of the lands either Manavari Nanjai or Punjai and location of the land. In fact, the deceased petitioner also filed an Appeal Suit in A.S.990 of 2007 in respect of the other lands owned by them in Survey Nos.34/1, 24/4 and 34/6 and by Judgment and Decree dated 03.08.2010, this Court enhanced the compensation to Rs.750/- per cent.

9. In view of the dictum laid down by the Hon'ble Supreme Court in the decision quoted above, the compensation is paid only to indemnify a person and it should normally be an equivalent, or substitute of equal values. The principle of equivalence which is at the root of statutory compensation postulates that the expropriated owners shall be paid neither less nor more than his loss. Further, two co-owners of a property, which is acquired



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by the Government, be treated alike by paying same amount of compensation which would be meeting out fair and equal treatment to them. Therefore, the above judgments cited by the learned counsel for the petitioners are squarely applicable to the facts of the case on hand.

10. Further, in a decision reported in **(1993) 4 SCC 269 (Union of India and others -vs- R.Redappa and Another)**, the Hon'ble Supreme Court of India, has also held that when once the Court is satisfied of justice or arbitrariness, then the restrictions, self-imposed or statutory, stands removed and no rule of technicality or exercise of power can stand in the way of rendering justice. Giving equal treatment to similarly placed persons without discrimination, is the fundamental right guaranteed under the Constitution of India and the law Courts are bound to protect the said right.

11. In view of the above referred decisions, the petitioners, being the legal heirs of the deceased original petitioner, are entitled to enhancement at Rs.750/-per cent in respect of the lands comprised in Survey Nos.34/5, 34/7, 29/4, totalling an extent of 3 acres 51 cents in Cheyyar Village, Arakkonam Taluk acquired, being the subject matter of L.A.O.P.No.682 of 1991 on the file of the Sub Court, Ranipet. Accordingly, the respondents are directed to pay the enhanced compensation of Rs.750/-per cent along with interest and solatium after deducting the amount, which was already paid within a period of eight weeks from the date of receipt of a copy of this order.”

5. In view of the above, the petitioners are entitled to enhanced compensation at the rate of Rs.750/- per cent in respect of the land comprised in Survey No.34/2, admeasuring 21 cents and Survey No.34/3, admeasuring 2.82 acres, totalling 3.03 acres, situated at Cheyyur Village, Arakkonam Taluk, which were acquired being the subject matter



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of LAOP 22 of 1988 on the file of the Subordinate Court, Ranipet. The

respondents are directed to pay the enhanced compensation at the rate of Rs.750/- per cent, along with interest and solatium, after deducting the amount which was already paid, within a period of eight weeks from the date of receipt of a copy of this order.

6. In the result, this Writ Petition stands allowed. No costs.

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Neutral citation :Yes/No

Index:Yes/No

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G.K.ILANTHIRAIYAN, J.

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