



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 15707 of 2020

Mariam Bee
W/o. Late Madhar Sahib Durgai
Nammai Andhal Village Vengikal Post,
Thiruvannamalai Taluk and District

Petitioner(s)

Vs

1. The District Collector
Thiruvannamalai District
Thiruvannamalai

2. The revenue Divisional officer
Thiruvannamalai,
Thiruvannamalai District

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, Calling for the record in Na.Ka.No. M1 / 34248 / 2014 dated 24.9.2020 on the file of the 1st Respondent and quash the same and direct the 1st respondent to re determine the compensation for the acquired lands comprised in Survey No. 94 / 1 at Vengikal Village Thiruvannamalai Taluk and District on the basis of the Award dated 27.4.2016 in LaOP No. 77 of 2000 on the file of Honourable Principal Sub Court, Thiruvannamalai and thus render justice



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WP No. 15707 of 2020



For Petitioner(s): Mr.R.Rajarajan

For Respondent(s): Mr.C.Gowthamaraj, GA

ORDER

This writ petition has been filed challenging the impugned order dated 24.09.2020 passed by the 1st respondent.

2. The learned counsel for the petitioner would submit that in this case, the petitioner is entitled for enhancement of award amount, in terms of Section 28A of the Land Acquisition Act, 1894. Hence, a representation dated 20.07.2016. However, the same was rejected vide the impugned order dated 24.09.2020.

3. Further, by referring the law laid down by the Hon'ble Apex Court in *Narendra and others vz. State of UP and others* reported in (2017) 9 SCC 426 (hereinafter called as “*Narendra* case”), he would submit that the petitioner is certainly entitled for enhancement of award amount at par with the similarly placed land owners. Hence, this petition.

4. In reply, the learned counsel for the respondent had confirmed the submissions made by the petitioner and would fairly requests this Court to set



aside the impugned order as per the law laid down by the Hon'ble Apex Court in **Narendra** case.

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5. Heard the learned counsel for the petitioner and the respondents and also perused the entire materials available on record.

6. In the case on hand, the representation dated 20.07.2016 was filed by the petitioner for enhancement of award amount, in terms of Section 28A of the Land Acquisition Act, 1894. The said issue was already settled by the Hon'ble Apex Court in **Narendra case**. By following the said order of the Hon'ble Supreme Court, this Court had passed an order dated 11.11.2025 in WP.No.42691 of 2025, wherein it has been categorically held as follows:

*“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



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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 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.”

7. In view of the above, by following the law laid down by the Hon'ble Apex Court, this Court is inclined to set aside the impugned order. Accordingly, the impugned order dated 24.09.2020 is set aside and the matter is remitted back to the respondents for fresh consideration.

8. The respondent is directed to consider the petitioner's representation dated 20.07.2016 and pass orders, on merits, after taking into consideration of



the law laid down by the Hon'ble Apex Court in *Narendra case*, within a period of 8 weeks from the date of receipt of a copy of this order.

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9. With the above directions, this writ petition is disposed of. No cost.

05-03-2026

nsa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Thiruvannamalai District
Thiruvannamalai

2. The revenue Divisional officer
Thiruvannamalai, Thiruvannamalai
District



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WP No. 15707 of 2020



KRISHNAN RAMASAMY J.
nsa

WP No. 15707 of 2020

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