



W.P.(MD) No.791 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2026

CORAM

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD) No.791 of 2026

1.Kasturi

2.Jeyakodi @ Jeya

3.Lakshmanan

4.Rameshwari

5.Sankareswari

6.Manivanan

7.Rajamanikam

... Petitioners

Vs.

1.The District Collector,
Collectorate Office,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

Now looking after the residuary work of
The Special Tahsildar (Land Acquisition),
Kullur Sandhai Reservoir Scheme,
Virudhunagar District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to refer the matter to the competent court u/s 18 of the Land Acquisition Act, 1894 for enhancement of compensation based on the petitioners' representation dated 07.05.2024 within time to be stipulated by this Court.

For Petitioners : Mr.A.Sivaji

For Respondents : Mr.B.Ramanathan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to refer the matter to the competent court under Section 18 of the Land Acquisition Act, 1894, for enhancement of compensation, based on the petitioners' representation dated 07.05.2024, within a time to be stipulated by this Court.

2. With the consent of the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioners is that several lands, including the land in Survey No.365, measuring an extent of 15.72 acres, were acquired for the purpose of formation of the Kullur Sandhai Reservoir Scheme. The



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then Special Tahsildar (Land Acquisition) passed an award in Award No.9 of 1986 dated 07.03.1986, fixing a sum of Rs.21,089.10 as compensation for the land acquired in Survey No.365.

4. Since the patta stood in joint names, the compensation amount was deposited in L.A.O.P.No.13 of 1986 before the Sub Court, Sivagangai, which was later transferred to the Sub Court, Aruppukottai and renumbered as L.A.O.P.No.361 of 2001 for deciding the apportionment among the referred claimants. The apportionment was crystallised by an order dated 21.11.2008, wherein the petitioners were held entitled to compensation in respect of 4 acres of land.

5. The petitioners thereafter made representations to the respondents seeking a reference under Section 18 of the Land Acquisition Act for enhancement of compensation. The second respondent, *vide* proceedings dated 28.08.2018, instructed the petitioners, by referring to Section 31(2) of the Act, to withdraw the proportionate compensation deposited before the Court and informed them accordingly. Due to the transfer of the case from one Court to another, the petitioners were put to difficulty in withdrawing the said amount.



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6. Ultimately, the petitioners received the compensation and filed part-satisfaction memos along with petitions stating that the compensation was received under protest. It is settled law that receipt of compensation under protest is sufficient to seek a reference under Section 18 of the Act. In the month of March 2024, the proportionate compensation amount was credited to the petitioners' bank account. Immediately thereafter, the petitioners submitted a representation dated 07.05.2024 to the second respondent seeking a reference under Section 18 of the Act, which did not evoke any response. Hence, the petitioners were constrained to file the present Writ Petition.

7. The learned Additional Government Pleader appearing for the respondents would submit that the petitioners' representation dated 07.05.2024 would be considered and appropriate orders would be passed by the respondents within a period of ten weeks.

8. Recording the above submission and without expressing any opinion on the merits of the matter, this Writ Petition is disposed of with a direction to the respondents to consider the petitioners' representation



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dated 07.05.2024 on its merits and in accordance with law and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order. It is needless to state that the petitioners shall be given an opportunity of hearing before passing any order. There shall be no order as to costs.

[K.SURENDER, J.]
09.01.2026

(2/2)

JEN

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

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