

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2015

CORAM:

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.19964 of 2012 and M.P. Nos.1 and 2 of 2012

W.P. No.11193 of 2012 and M.P. No.1 of 2012

P. ORR and Sons (P) Ltd.
Represented by its Director
New No.22, Old No.855
Anna Salai
Chennai 600 002

... Petitioner in both the WPs

v.

1 The Land Acquisition Officer and
Special Tahsildar (LA) - Unit - 2
Chennai Metro Rail Ltd.
Harini Towers, II Floor, LA Wing
No.7, Conran Smith Road
Gopalapuram
Chennai 600 086

2 Associated Publishers (Madras) Ltd.
Represented by its Director
No.861, Anna Salai
Chennai 600 002

... Respondents in both the WPs

Prayer in W.P. No.19964 of 2012:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus to call for the records relating to the order dated 16.04.2012 bearing Rc.No.8/L.A./CMRL/2011 on the file of the first respondent and quash the same and consequently, to direct the first respondent to recover 50% of the compensation amount of Rs.16,11,88,356/- paid to the second respondent on 18.04.2012 as compensation for the acquisition of the land and building comprised in Block No.63, T.S. No.3194 part, Triplicane Village, Mylapore-Triplicane Taluk, Chennai District and to deposit the said amount before the appropriate Civil Court under Section 31 of the Land Acquisition Act.

Prayer in W.P. No.11193 of 2012:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to deposit the compensation amount awarded for acquisition of land and building measuring an extent of 15,135 sq. ft. comprised in Block No.63, T.S. No.3194P, New T.S. No.3194/2, Triplicane Village, Mylapore - Triplicane Taluk, Chennai District, as per Form 9 - Notice of Award under Section 12(2) of the Land Acquisition Act, 1894 (Act I of 1894) dated 28.02.2012 on the file of the first respondent for

Rs.18,11,74,561/- in the Civil Court under Section 31 of the Land Acquisition Act and refer the objection raised in representation dated 22.03.2012 and 14.04.2012 for adjudication with regard to the apportionment of the compensation between the second respondent and the petitioner to the Civil Court as per Section 30 of the Land Acquisition Act.

For petitioner Mr. G. Masilamani, Sr. Counsel
in both the WPs for Mr. Mani Sundar Gopal

For R1 in Mr. R. Lakshmi Narayanan
both the WPs Addl. Govt. Pleader

For R2 in Mr. Krishna Srinivasan
both the WPs for M/s. S. Ramasubramaniam & Associates

COMMON ORDER

The petitioner has filed the writ petition in W.P.No.19964 of 2012 to issue a writ of certiorarified mandamus to call for the records relating to the order dated 16.04.2012 on the file of the first respondent and to quash the same and consequently, direct the first respondent to recover 50% of the compensation amount of Rs.16,11,88,356/- paid to the second respondent on 18.04.2012, as compensation, for the acquisition of land and building comprised in Block No.63, T.S. 3194 Part, Triplicane Village, Mylapore - Triplicane Taluk, Chennai District and to deposit the said amount before the appropriate civil Court under Section 31 of the Land Acquisition Act, 1894 (for brevity "the Act").

2 W.P.No.11193 of 2012 has been filed by the petitioner to issue a writ of mandamus directing the first respondent to deposit the compensation amount awarded for acquisition of land and building, measuring an extent of 15,135 sq.ft comprised in Block No.63, T.S. No.3194P, New T.S. No.3194/2, Triplicane Village, Mylapore-Triplicane Taluk, Chennai District, as per Form - 9 notice awarded under Section 12(2) of the Act dated 28.02.2012 on the file of the first respondent for Rs.18,11,74,561/- in the civil Court under Section 31 of the Act and refer the objection raised in representations dated 22.03.2012 and 14.04.2012 for adjudication with regard to apportionment of the compensation between the second respondent and the petitioner to the civil Court as per Section 30 of the Act.

3 Since the issue involved in both the writ petitions is common, both the writ petitions are considered and decided by this common order.

4 The case of the petitioner in both the writ petitions is as follows:

4.1 According to the petitioner, it was established in the year 1849 for carrying on business in retail trade in watches, clocks and other time-piece devices in the name and style of "P. ORR and Sons". The business has been carried on in the premises at Door No.200, Mount Road, Chennai. Originally, the said premises was owned by M/s. P.ORR and Sons and subsequently, the same was sold to the second

respondent in the year 1949 with a condition that the land and building should be leased to the petitioner. Accordingly, the petitioner was granted lease of the land and building. The lease was renewed till the year 1969. Thereafter, the petitioner is continuing as a statutory tenant under the Tamil Nadu Buildings (Lease and Rent Control] Act, till date.

4.2 While being so, the petitioner was shocked and surprised to know from the news article published in the leading dailies to the effect that a part of the building leased out to the petitioner is being acquired for the purpose of facilitating the proposed construction of Metro Rail Station. A substantial portion of the building measuring about 15,135 sq.ft was demolished on 08.04.2012 for the said purpose, without giving any notice to the petitioner, who is an occupier as a "person interested" in the land and building. Since the business is being run from a well known heritage building, the petitioner was confident that the building will not be acquired for the Metro Rail Project, especially, when the neighbouring plot of land is with lot of vacant space, being used as a Petrol Bunk, housing no worthwhile building. The petitioner, who is an occupier of the premises was not given the mandatory notice by the first respondent inviting its claims in respect of compensation. According to the petitioner, the non-issuance of the notice under Section 9(3) of the Act is erroneous.

4.3 On enquiry, the petitioner came to know that the first respondent has fixed a compensation of Rs.18,11,74,561/- and requested the second respondent to come forward to collect the amount as per Form-9 notice of award under Section 12(2) of the Act. On 22.03.2012, the petitioner submitted a detailed representation to both the respondents stating that they are "persons interested" as per the provisions of the Act and that they have strong objections to the acquisition proceedings. It was also categorically stated that the petitioner, being a statutory tenant and that there being no pending litigation whatsoever between the petitioner and the landlord, the petitioner is justly entitled to a portion of the compensation awarded, for the acquisition of a larger extent of land and building under the tenancy of the petitioner. Further, the petitioner has stated that in the event of the landlord not being agreeable to a reasonable apportionment of the compensation, then, the Land Acquisition Officer shall deposit the compensation amount in the civil Court as per the provisions of Section 31 of the Act for enabling the petitioner to have their entitlement adjudicated and to claim their rights to receive a part of the compensation as per the provisions of Section 30 of the Act.

4.4 On 14.04.2012 also, the petitioner gave another representation reiterating their earlier stand. However, the first respondent has not sent any communication whatsoever to the petitioner in pursuance of the representations sent by them. Hence, the petitioner filed W.P.No.11193 of 2012 seeking for a writ of mandamus, as aforestated. However, the second respondent-land owner had received the compensation amount on 18.04.2012 from the first respondent. According to the petitioner, the first respondent has not sent any notice under Section 9 of the Act. In these

circumstances, the petitioner has filed the second writ petition, viz., W.P. No.19964 of 2012.

5 The case of the first respondent in both the writ petitions is as follows:

5.1 According to the first respondent, the award was passed on 28.02.2012 and on verification of all relevant original documents produced, the compensation amount was released to the second respondent and the possession of the land was given to the Chennai Metro Rail Project. Further, according to the first respondent, if the petitioner is a "person interested", they could have appeared in the award enquiry and submitted their representation and if it had been done, the Land Acquisition Officer would have considered their representation and decided the award and payment of compensation. Further, once the award is passed and the compensation of the land acquired is received, the Acquisition Officer does not have any role to play. The representation of the petitioner was belated and therefore, the Land Acquisition Officer is not entitled to consider the same. The first respondent conducted the proceedings strictly in accordance with the provisions of the Act and the Rules framed thereunder. The relief of the petitioner if any, is not available under the writ jurisdiction, but, under the civil jurisdiction as prescribed under the Act. Further, the first respondent has stated that the petitioner is at liberty to move the appropriate forum for their relief. The petitioner is entitled to approach the civil Court of competent jurisdiction for redressal of their grievance.

6 The brief case of the second respondent in both the writ petitions is as follows:

6.1 According to the second respondent, they have received the compensation amount on 18.04.2012 itself. The petitioner had previous knowledge about the acquisition proceedings and award was passed under Section 12(2) of the Act on 28.02.2012 and it was served on the second respondent on 01.03.2012. By letter dated 05.03.2012, the second respondent claimed enhanced compensation and agreed to receive the award payment without prejudice to their claim for enhanced compensation.

6.2 On 18.04.2012, the second respondent received a cheque for a sum of Rs.16,70,57,105/- towards the compensation for the entire extent of 15,135 sq.ft and building thereon as originally conveyed less tax deducted at 10%. At the same time, the second respondent handed over their cheque dated 18.04.2012 for Rs.1,99,86,205/- towards the value to be paid for the reduced extent of 1658.50 sq.ft. of land and building thereon. In short, the net acquisition of land and building thereon was only 13,476.50 sq.ft. and the gross consideration works out to Rs.16,11,88,356/- and the requisite endorsement in the land document for Rs.13,476.50 sq.ft. was made on 18.04.2012. In these circumstances, the second respondent prayed for dismissal of the writ petitions.

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7 Heard Mr.G.Masilamani, learned Senior Counsel appearing for the petitioner, Mr.R.Lakshmi Narayanan, learned Additional Government

Pleader appearing for the first respondent and Mr. Krishna Srinivasan, learned counsel appearing for the second respondent.

8 Mr. G. Masilamani, learned Senior Counsel appearing for the petitioner submitted that under Section 3(b) of the Act, the petitioner who is a statutory tenant under the second respondent is a "person interested" and therefore, the petitioner is entitled to notice under Section 9 of the Act. The learned Senior Counsel submitted that the first respondent has not followed the mandatory provisions of Section 9 of the Act by giving notice to the petitioner who is a "person interested" under the Act. The learned Senior Counsel further submitted that the petitioner's representations dated 22.03.2012 and 14.04.2012 were not considered by the first respondent. That apart, the learned Senior Counsel submitted that the first respondent should have ascertained the details with regard to occupier of the premises and issued notice under Section 9 of the Act. Besides, the learned Senior Counsel also submitted that the first respondent should have deposited the compensation amount before a civil Court and referred the dispute under Section 30 of the Act for apportionment of the compensation.

9 The learned Senior Counsel, in support of his contentions, relied upon the following judgments:

i Judgment of the Supreme Court in *Inder Parshad vs. Union of India and Others*¹:

"8. In the island of Bombay certain lands were held on a tenure known as "Foras". Under Section 2 of Bombay Act VI of 1851 the occupants were entitled to hold the lands subject only to the payment of revenue then payable. Between 1864 and 1867 the Government of India acquired these lands under the provisions of the Land Acquisition Act (VI of 1857). On November 22, 1938 the Governor-General sold them to certain persons under whom the present respondents claimed. In April 1942 the appellant acting under the Bombay City Land Revenue Act (Bombay Act II of 1876) issued notices to the respondents proposing to levy assessment on the lands at the rates mentioned therein. The respondents thereupon instituted two suits disputing the right of the appellant to assess the lands to revenue. They contended that under the Foras Land Act the occupants had acquired the right to hold the lands on payment of revenue not exceeding what was then payable, that the right to levy even that assessment was extinguished when the Government acquired the lands under the Land Acquisition Act, that the Governor-General having conveyed the lands absolutely under the sale deed dated November 22, 1938 the respondents were entitled to hold them revenue free and that even if revenue was payable it could not exceed what was payable under the Foras Land Act. On those facts this Court held that if the Government has itself an interest in the land, it has only to acquire the other interests outstanding therein, so that it might be in a position to pass it on absolutely for public user. And

the Act primarily contemplates all interests as held outside Government and directs that the entire compensation based upon the market value of the whole land must be distributed among the claimants. When the Government possessed an interest in land which is the subject-matter of acquisition under the Act, that interest is itself outside such acquisition, because there can be no question of Government acquiring what is its own, an investigation into the nature and value of that interest will no doubt be necessary for determining the compensation payable for the interest outstanding in the claimants but that would not make it the subject of acquisition. In that case since the claimants are entitled to pay only land revenue and thereafter since sale of the land was made, the pre-existing right in the land which the Government had ceased and claimants became owners. Therefore it was held that the claimants alone were entitled to the full compensation. But on the facts in this case, it is seen that since the Land Acquisition Collector had determined the compensation of the sum total of the interests held by the lessor and the lessee in the land under acquisition but being not able to decide on the apportionment of such compensation between Government and the appellant reference was made to the civil court to determine the apportionment. The civil court decided by its award that apportionment of compensation fixed in the award of the Land Acquisition Collector between the lessee-claimant and the Government-landlord shall be in order of 67 per cent and 33 per cent. The High Court by its judgment and decree under the present appeal has modified the apportionment of compensation payable for land as 75 per cent for the lessee and 25 per cent for the lessor. Under these circumstances it cannot be said that the Land Acquisition Collector had determined the compensation only towards the leasehold interest held by the appellant and that, therefore, the appellant is entitled to the entire compensation determined by the Collector. Therefore, the judgment and decree under appeal does not call for interference and the appeal is, accordingly dismissed. But in the circumstances, the parties are directed to bear their own costs."

ii Judgment of the Supreme Court in *Mangat Ram and Others vs. State of Haryana and Others*²:

"7. As regards apportionment of the compensation, the High Court has directed to pay 1/4 to the tenant and 3/4 to the Wakf Board. In view of the judgment in *Col. Sir Harinder Singh Brar Bans Bahadur v. Bihari Lal and Inder Parshad v. Union of India*, the tenants are entitled to 3/4 of the compensation while the landlord is entitled to 1/4 of the compensation. In view of the above law, the order of the High Court in appeals arising from reference under Section 30 is modified to the extent that appellants/tenants Mangat Ram and Others are entitled to

3/4th while the Wakf Board is entitled to 1/4th of the compensation amount. The amount awarded in the judgment of the Single Judge under Section 23(1-A) also requires to be apportioned accordingly."

iii Judgment of the Supreme Court in Steel Authority of India Ltd. vs. S.U.T.N.I. Sangam and Others³:

"56. The Collector is a statutory authority. He, therefore, ordinarily must exercise his statutory jurisdiction within the four corners of the statute, although this would not mean that a superior court in exercise of its power of judicial review would be denuded of its power to interfere with an order of reference or issue a direction when the same has unjustly been withheld in appropriate cases, but, such a power as is well known should be exercised only in exceptional situations and subject to the condition that adequate grounds exist therefor.

60. An owner of a land has a right to receive just compensation. He, having regard to his human right of access to justice as has been declared by the International Covenant on Economic, Social and Cultural Rights on 10-12-2008 should be given an opportunity to make a reference. A person may get an opportunity to get a reference only when he is informed about the making of an award."

iv Division Bench judgment of this Court in The Deputy Collector, Cocanada vs. The Maharajah of Pittapur⁴:

"We think that Government was bound, under the provisions of the Land Acquisition Act, to have ready in the District court the amount awarded by the Referring Officer for distribution according to the decision of the District Court. If the District Court had, in a proper reference, increased the amount of compensation, Government is bound to pay into the Court the amount of increased compensation. The principle is not altered when an apportionment of the compensation amount is increased and if the Referring Officer had obeyed S.31, the necessary money would have been there. It is not right that Government should throw on a party, whose property it has compulsorily acquired, the risk and burden of recovering the compensation from some one else to whom Government has wrongfully paid it. Whether Government can, by appropriate proceedings, recover the excess from those to whom it was paid is for Government to consider. We are not prepared at this stage to grant time to Government, as requested by the Government Pleader, to appeal against the award of the District Court. It seems to us a proper award and the appeal time has long ago expired."

v Division Bench judgment of the Andhra Pradesh High Court in Shayam Rao vs. Land Acquisition Officer (Spl)-cum-Dy. Collector, Singoor Project of Sanga Reddy and Others⁵:

"23. We are also of the view that the proper course is to direct not the party by it the Collector, either as an interim measure or at the time of disposal of the reference by the Court, to deposit the dispute amount with the Civil Court leaving it to the Collector to take such steps as he may deem fit in order to secure the interests of the State. Firstly, the Collector who is the person at fault must bear the responsibility. He cannot, as pointed out by the Madras High Court in Deputy Collector, Coconada v. Raja of Pittapur (AIR 1926 Mad 492, shift the risk or burden of recovering the disputed amount, to the reference Court or to those who succeed in the reference. Secondly, the legislative purpose of keeping the money for ready disposal by the Court is not likely to be achieved if the Court is to try to recover the amounts from the party. Thirdly, laying down such a principle is likely to result in more and more unauthorised and unwarranted disposals by the Collectors leading to uncertainty, prolonged litigation and lack of discipline. If the Collectors are made to deposit the monies in Court pending reference, the State will be in a position to keep track of such cases and if it thinks that the distribution of the monies was not for good reason but on account of any corrupt motives or misconduct, it could take action forthwith. Therefore, we are of the view that the proper course would be for the Court to direct the Collector to deposit the monies into Court."

vi An unreported judgment of the Andhra Pradesh High Court dated 28.03.2013 in Gourishetti Narayana vs. Special Deputy Collector, Sripadasagar (Yellampally) Project, Mancherial, Adilabad District and Others⁶:

"14. The facts and circumstances and the material available on record drives this Court towards an irresistible conclusion that the Land Acquisition Officer ought to have referred the matter to the Civil Court for a decision on the respective rights of the parties in accordance with the provisions of Land Acquisition Act. Since the petitioner herein claims only 1/4th share in the subject property, this Court deems it appropriate and apposite to direct the Land Acquisition Officer to deposit the amount equivalent to the said share in the Civil Court while asking for reference."

10 Countering the submissions made by the learned Senior Counsel appearing for the petitioner, Mr.R.Lakshmi Narayanan, learned Additional Government Pleader submitted that the first respondent had followed the procedures laid down under the Act and that notices as required under the Act have been issued. Therefore, according to the learned Additional Government Pleader, the first respondent had complied with the provisions of the Act.

11 Mr.Krishna Srinivasan, learned counsel appearing for the second respondent submitted that the petitioner has not raised any

objection prior to the passing of the award dated 28.02.2012. Therefore, there is no necessity for reference under Section 30 of the Act. That apart, the learned counsel also submitted that the petitioner, being a statutory tenant, would not come within the meaning of a "person interested" as defined under Section 3(b) of the Act.

12 On a careful consideration of the materials available on record and the submissions made by the learned Senior Counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned counsel for the second respondent, it could be seen that on 28.10.2011 invoking urgency clause, a notification under Section 17(1) and Section 4(1) of the Act was issued for acquiring the lands in Triplicane Village for implementation of the Chennai Metro Rail Project, which was approved by the Government in G.O.Ms.No.200 Planning, Development and Special Initiatives (SI) Department and Section 4(1) notification was published in the Government Gazette on 28.10.2011. Subsequently, Section 6 Declaration was made vide G.O.Ms.No.232, Planning, Development and Special Initiatives (SI) Department dated 28.11.2011 and published on the same day in the Tamil Nadu Gazette extraordinary Issue No.446 in Part-II, Section 2. It is not in dispute that the petitioner was in occupation of the property which was acquired for the Chennai Metro Rail Project and also continued to be in possession of the remaining portion of the property and carried on business in retail trade in watches, clocks and other time-piece devices in the name and style of "P.ORR and Sons".

13 As per Section 3(b) of the Act, the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under the Act and a person shall be deemed to be interested in land, if he is interested in an easement affecting the land. Though the first respondent/the Land Acquisition Officer claims to have issued notices under Sections 9(1), 9(3) and 10, Section 9(1) of the Act stipulates that the Collector shall cause public notice at convenient places on or near the land acquired *inter alia* intimating the date and time of award enquiry to enable the "person interested" to make his claim. Further, Section 9(3) of the Act stipulates that the Collector shall serve notice of hearing of award enquiry on the occupier. In the impugned order dated 16.04.2012, it has been stated that the award enquiry notices under Section 9(1) and 9(3) have been issued on 31.01.2012.

14 Admittedly, the award enquiry was held on 14.02.2012. Though the impugned order dated 16.04.2012 shows that the notices under Section 9(1) and 9(3) have been issued on 31.01.2012, the details such as on what date and on whom the said notices were served, were not stated in the said impugned order. Even in the counter affidavit filed by the first respondent, though it has been stated that notices were duly served on the petitioner, the said contention has not been established by the first respondent in any manner whatsoever. Section 10 of the Act stipulates that the Collector shall also require the person on which the Section 9(3) notice was served, to give a statement and details of every other person possessing any

interest or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant etc. In the case on hand, though the second respondent admits that the petitioner is a statutory tenant, this fact was suppressed before the first respondent at the time of award enquiry. Since no notice was served on the petitioner, the petitioner could not be present at the time of passing the award as required under Section 12(2) of the Act. The petitioner, being a tenant in respect of the premises in question, is entitled to a notice under Sections 9(2), 9(3) and 10 of the Act.

15 On 22.03.2012, the petitioner gave a representation claiming to be a "person interested" as per Section 3(b) of the Land Acquisition Act, seeking apportionment of the compensation as per the provisions of Sections 30 and 31 of the Act. A copy of the representation dated 22.03.2012 was also sent to the second respondent-landlord. On 08.04.2012, an extent of 15,135 sq.ft was demolished. On 10.04.2012, the second respondent was informed by Chennai Metro Rail Ltd. that during the course of the site inspection by them, approximately 1,658 sq.ft will be left out from the proposed acquisition on 14.04.2012. The petitioner sent another representation dated 14.04.2012 requesting for payment of part of the compensation or to refer the matter under Sections 30 and 31 of the Act to a civil Court. On 16.04.2012, the petitioner received a letter from the first respondent stating that notices under Section 9 (1) and 9(3) of the Act have been issued on 31.01.2012. However, as already stated, the first respondent has not proved the service of notices on the petitioner. On 18.04.2012, the first respondent disbursed the compensation to the second respondent and the second respondent also admitted that they have received compensation from the first respondent. In the letter dated 16.04.2012, the first respondent has declined to refer the matter under Section 30 of the Act to the civil Court. In *Inder Parshad*¹ (supra), the Hon'ble Supreme Court held that a lessee is entitled to apportionment of the award with the land owner. Similarly, in *Mangat Ram*² (supra), the Hon'ble Supreme Court held that the tenants are entitled to a share in the compensation. In the other judgments as well, the Hon'ble Supreme Court held that the tenants are entitled for a share in the compensation.

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16 When it is brought to the notice of this Court that the petitioner is a statutory tenant entitled for apportionment of the compensation as laid down in the catena of judgments relied upon by the learned Senior Counsel appearing for the petitioner, I am of the considered view that the first respondent should be directed to refer the dispute under Section 30 of the Act to the civil Court for adjudication. Furthermore, when there is no quarrel over the fact that the petitioner was in occupation of the premises which was acquired for the purpose of Chennai Metro Rail Project, the dispute should be referred to the civil Court for adjudication under Section 30 of the Act.

17 Next, indisputably, the second respondent had received the entire compensation amount from the first respondent on 18.04.2012 pursuant to the award dated 28.02.2012. The issue as to whether the petitioner is entitled to a share in the compensation or not, has to be decided only by the civil Court. In the impugned order dated 16.04.2012, the first respondent has stated that inasmuch as the award was passed in favour of the second respondent, no further action will be taken by them under the Act. Since this Court is of the view that the matter should be referred to the civil Court under Section 30 of the Act, the impugned order is liable to be set aside.

18 Accordingly, the impugned order dated 16.04.2012 passed by the first respondent is set aside. The first respondent is directed to refer the dispute between the petitioner and the second respondent to the competent civil Court under Section 30 of the Act. The civil Court, on such reference being made by the first respondent, is directed to decide the reference in accordance with law.

19 So far as W.P.No.11193 of 2012 is concerned, since the second respondent had already received the compensation amount from the first respondent on 18.04.2012 itself, the first respondent cannot be directed to deposit the compensation amount awarded for acquisition of land and building for the second time before the civil Court under Section 31 of the Act. However, in the event of the civil Court coming to the conclusion that the petitioner is entitled to a share in the compensation, the second respondent can be directed by the civil Court to deposit the amount for which the petitioner is entitled.

20 That apart, the civil Court is also directed to decide the following issues:

(1) Whether the petitioner is a "person interested" as defined under Section 3(b) of the Act.

(2) Whether the reference made under Section 30 is maintainable in the absence of any objections placed by the petitioner prior to the passing of the award dated 28.02.2012.

21 The civil Court shall decide all the issues in accordance with law, apart from the two issues referred to above and if the civil Court decides the issues in favour of the petitioner, the apportionment of the compensation amount can also be decided.

22 In the event of the civil Court coming to the conclusion that the petitioner is entitled to a share in the compensation, the civil Court can direct the second respondent to deposit the share of the petitioner, before the said court.

23 With the above directions and observations, both the writ petitions stand disposed of. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Land Acquisition Officer and
Special Tahsildar (LA) - Unit - 2
Chennai Metro Rail Ltd.
Harini Towers, II Floor, LA Wing
No.7, Conran Smith Road
Gopalapuram
Chennai 600 086

+2 cc's to Mrs.Mani Sundargopal, Advocate,SR.18577, 18578.

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Common Order
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W.P.Nos.19964 & 11193 of 2012

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