

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19549 of 2009

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the endorsement of the respondent issued in RCA.3036/2005, dated 17.12.2005 as illegal and arbitrary and consequently set aside the same and direct the respondent to refer the cases of the petitioners to the competent civil Court under Section 18 of the Land Acquisition Act, 1894.

Heard and perused the material.

Learned Assistant Government Pleader for Land Acquisition submits that the petitioners have accepted the compensation without any protest and hence, the respondent has rejected the representation made by the petitioners to refer the matter to the civil Court under Section 18 of the Land Acquisition Act, 1894.

On perusing Section 18 of the Land Acquisition Act, this Court is of the view that though the petitioners have accepted the compensation without any protest, they have right to make representation to the authorities concerned within the stipulated time of six weeks from the date of the Award to refer the matter to the civil Court under Section 18 of the Land Acquisition Act. Hence, the rejection of the representation made by the petitioners for referring the matter to the civil Court for enhancement of compensation on the ground that the petitioners have accepted the compensation without any protest cannot be a valid ground and as such, the said action of the respondent in rejecting the representation of the petitioners is set aside.

The writ petition is allowed with a direction to the respondent to refer the case of the petitioners to the civil Court under Section 18 of the Land Acquisition Act, 1894, for re-determination of the compensation, preferably within a period of two months from the date of receipt of copy of this Order.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions, if any shall also stand disposed of.

16.04.2015

pln