

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition Nos. 11139 and 11140 of 2016

1. Usha A. Mehtha ... Petitioner in W.P. No. 11139/2016
2. Chanchal S. Mehtha ... Petitioner in W.P. No. 11140/2016

Vs.

1. The Member Secretary,
CMDA,
Thalamuthu Natarajan Maaligai,
Egmore, Chennai - 600 008.
2. The Land Acquisition Officer and
Special Tahsildar (L.A.)
Unit - 6 O.R.R. Project Phase II,
C.M.D.A. Koyembedu,
Chennai - 600 092. ... Respondents in both W.Ps.

Prayer in both W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari and Mandamus to call for records, relating to the impugned order, dated 10.02.2016, made in Na.Ka.No.9/2002, A1/Unit -6 on the file of the second respondent, and to quash the same and consequently, to direct the second respondent to make reference under Section 18 of the Land Acquisition Act to the jurisdictional civil court.

For Petitioners	:	Mr.V.Perumal
For Respondent-1	:	Mr.M.Karthikeyan
For Respondent-2	:	Mr.R.M.Muthukumar Government Advocate

COMMON O R D E R

These Writ Petitions have been filed, challenging the proceedings, dated 10.02.2016, by which the petitioners' request for enhanced compensation for acquisition of their land under Section 18 of the Land Acquisition Act 1894 were rejected as time barred.

2. The case of petitioners is that they came to know about the award only when one C.Vijayakumar, who is their neighboring land owner has been received enhanced compensation by way of award passed in the Lok Adalath settlement on 15.10.2015. Immediately thereafter, they went to the Office of the second respondent, and on enquiry, they were given Forms, which have to be fulfilled and submitted. The petitioners would state that they were under the earnest belief that they would be called upon to establish their case that they had no knowledge of the award until they were informed by the neighboring landowner after he had been paid the compensation in the Lok Adalath settlement on 15.10.2015.

3. Therefore, it is the case of the petitioners that, had they been issued with notice and granted an opportunity of personal hearing to project their case through authorized representatives, they would have been able to place full facts to substantiate their case. However, these averments, though have been set out in the affidavits of these Writ Petitions, they did not find place in the representations, dated 04.11.2015, which are in printed formats. In any event, the petitioners have lost their lands, and therefore, if there is avenue for the petitioners to establish that they had knowledge of the award only after 15.10.2015, that benefit shall accrue to them, only for that reason, this Court is inclined to grant one more opportunity to the petitioners.

4. Hence, instead of setting aside the impugned proceedings, which are in printed formats, the impugned proceedings shall be treated as intimation to the petitioners, and they shall respond to the same by submitting representations to the second respondent, clearly setting out their case as to the date of the knowledge of the award, and submit the representations along with copies of this order, and on receipt of the same, the second respondent shall issue notice to petitioners to appear in person, or through their authorized representatives to establish their case, and in consideration of their submissions, the second respondent is directed to pass fresh orders on merits and in accordance with law as expeditiously as possible.

5. With the above directions, the Writ Petitions are disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Member Secretary,
CMDA,
Thalamuthu Natarajan Maaligai,
Egmore, Chennai - 600 008.
2. The Land Acquisition Officer and
Special Tahsildar (L.A.)
Unit - 6 O.R.R. Project Phase II,
C.M.D.A. Koyembedu,
Chennai - 600 092.

+2 cc to M/s.V.Perumal Advocate sr.nos.20619 & 20620
+2 cc to the Government Pleader sr.20892 & 20927

Writ Petition Nos.11139
& 11140 of 2016

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