

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 21.10.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition No.36911 of 2016

K.Sundaramurthy

[Petitioner]

- Vs
- 1 Land Acquisition Officer-cum-District Collector Kancheepuram Kancheepuram District
 - 2 The Special Tahsildhar (L.A) Inner Ring Road Scheme now having office at No.110/A G.S.T Road Chrompet Chennai
- [Respondents]

Prayer: Petition has been filed under Article 226 of the Constitution of India seeking Writ of Mandamus directing the Respondents herein to refer Award No.5 of 2008 dated 20.11.2008 to the competent Civil Court pursuant to the petitioner written representation sent on 09.01.2009 to the Respondents in respect of the acquired land under Tamil Nadu Highways Act 2001 situate in Survey Nos. 54/1 55/1A and 55/2B ward F Block-13 and 16 measuring an extent of 0.664.0 Square Meter situated at Adambakkam Village Alandur Town Kancheepuram District

For Petitioner: Mr.A.C.Kumarakurubaran

For Respondents: Mr.T.M. Pappiah
Special Government Pleader

O R D E R

The petitioner's land comprised in Survey Nos.54/1, 55/1A and 55/2B, ward F Block-13 and 16 measuring an extent of 0.664.0 Square Meter located at Adambakkam Village, Alandur Town, Kancheepuram District was acquired and an award was passed in Award No.5 of 2008 on 20.11.2008, fixing the value at

Rs.331.92 per sq.ft.. Aggrieved over the same, the petitioner gave a representation to the 2nd respondent on 09.01.2009 to refer the matter to the Civil Court under Section 18 of the Land Acquisition Act. Though the said representation was given on 09.01.2009, till date, reference has not been made, compelling the petitioner to come before this Court.

2. Heard Mr.A.C.Kumarakurubaran, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader, who took notice on behalf of the respondents.

3. A perusal of the records would show that an award was passed as early as on 02.11.2008 and the representation was also made on 09.01.2009, within two months. When a representation was made for reference under Section 18 of the Land Acquisition Act for adjudication before a Civil Court for enhancement, the same has to be referred. However, it is brought to the notice of this Court that the competent officer is the 1st respondent. Since the representation dated 09.01.2009 was given to the 2nd respondent, who is not the competent officer to refer the matter to the Civil Court, the petitioner is directed to send a fresh representation to the 1st respondent along with a copy of the representation dated 09.01.2009 given to the 2nd respondent seeking reference under Section 18 of the Land Acquisition Act and on receipt of such representation, the 1st respondent is directed to pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of such representation.

The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1 Land Acquisition Officer-cum-
District Collector Kancheepuram
Kancheepuram District

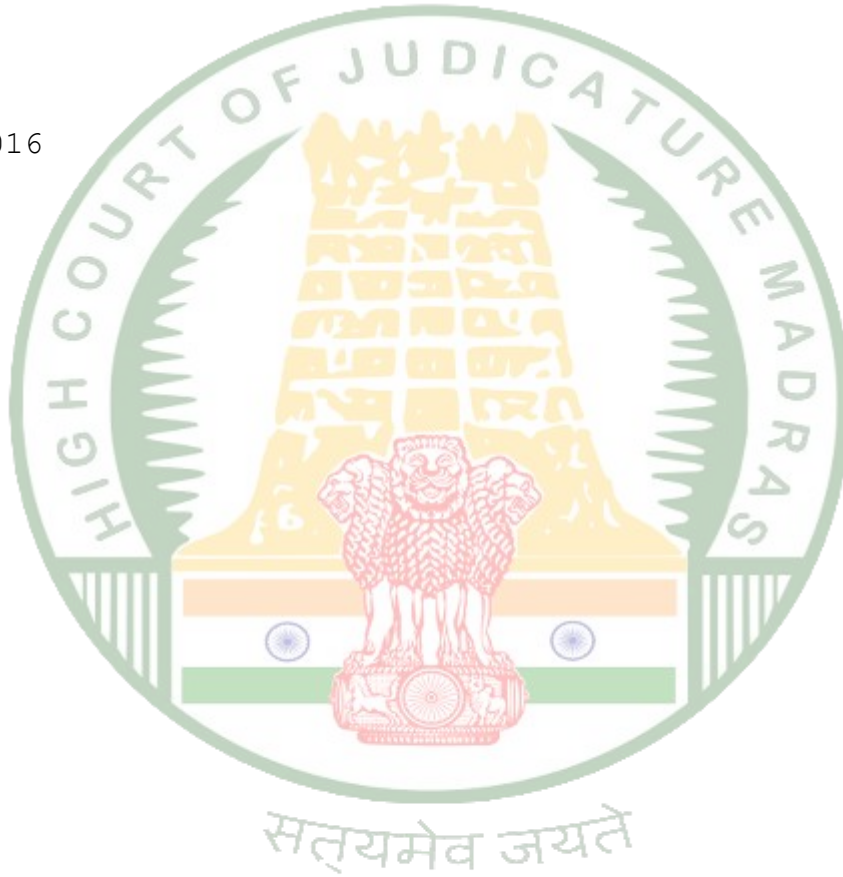
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2 The Special Tahsildhar (L.A)
Inner Ring Road Scheme now having office at
No.110/A G.S.T Road Chrompet Chennai

+1 cc to M/s.A.C.Kumarakuruban Advocate sr 59979
+1 cc to Special Government Pleader sr 60558

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