

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.Nos. 9093 & 9108 of 2017
and W.M.P.Nos. 17353 to 17358 of 2017

V.SeshachalamPetitioner in W.P.No.9093/2017
T.G.RamalingamPetitioner in W.P.No.9108/2017

Vs.

- 1.The District Collector,
Villupuram District,
Villupuram.
 - 2.Revenue Divisional Officer,
Thirukovilur,
Villupuram District.
 - 3.Special Tasildar, (Adi-Dravida Welfare),
Ulunthurpet Taluk,
Villupuram District.
 - 4.The 2nd Addl. Sub-Ordinate Court,
Villupuram District,
Villupuram.
- Respondents in both W.Ps.

(R4 impleaded as per order dated 28.06.2017
in W.M.P.Nos.17353 and 17354 of 2017)

Common Prayer : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 30.12.2002 passed by the 4th respondent in LAOP No.2 of 1996 and quash the same and consequently direct the 4th respondent to re-open the LAOP No.2 of 1996 and enhance the compensation in accordance with law.

(Prayer amended as per order dated 28.06.2017 in
W.M.P.Nos.17354 and 17357 of 2017 in W.P.No.9093 & 9108 of 2017)

For Petitioner
in both W.Ps. : Mr.V.Vadivel

For Respondents
in both W.Ps. : Mr.S.Diwakar
Special Government Pleader (For R1 to R3)
R4 - Court

COMMON ORDER

These writ petitions have been filed for issuance of writ of Certiorarified Mandamus, calling for the records relating to the order dated 30.12.2002 passed by the 4th respondent in LAOP No.2 of 1996 and quash the same and consequently direct the 4th respondent to re-open the LAOP No.2 of 1996 and enhance the compensation in accordance with law.

2.The petitioners' land was acquired by initiating proceedings under the Land Acquisition Act, 1894, (hereinafter called as "the Act"). An award was passed on 30.06.1995. The petitioners sought for enhanced compensation under Section 18(1) of the Act. It was referred to the Reference Court, namely, II Additional Sub Court, Villupuram in L.A.O.P.No.2/1996.

3.The learned Sub Judge returned the papers stating that as per the decision of the Apex Court in State of Tamil Nadu & Others Vs. Anathiammal & Others reported in AIR 1995 SC 2114, the award passed under the Act is not maintainable in view of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978. Now challenging the same, the present writ petitions have been filed.

4.This Court concurs with the submissions made by the learned counsel for the petitioners. Admittedly, the award was passed under the Act. A reference was also made and taken on file. The decision relied upon was with respect to the Constitutional validity of the Statute. The award passed is protected. A decision of a Court cannot be read like a Statute. When the entire proceedings have been initiated and completed under the Act conclusively, there is no necessity to pass an award alone under the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978. The learned Sub Judge has placed wrong reliance on the Judgment of the Apex Court.

5.In such view of the matter, the order passed by the learned II Additional Sub-ordinate Judge, Villupuram dated 30.12.2002 is hereby set aside. The petitioners are directed to re-present the papers in L.A.O.P.No. 2 of 1996 within a period

of four weeks from the date of receipt of a copy of this order. On receipt of the same, the learned Sub Judge is directed to proceed as per Law and decide it on merit. The said exercise will have to be done within a period of six weeks thereafter.

6. With the above observations, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Villupuram District,
Villupuram.
2. Revenue Divisional Officer,
Thirukovilur,
Villupuram District.
3. Special Tasildar, (Adi-Dravida Welfare),
Ulunthurpet Taluk,
Villupuram District.
4. The 2nd Addl. Sub-Ordinate Judge,
Villupuram District, Villupuram.

+1cc to M/S.V.Vadivel, Advocate Sr.44792
+1cc to the Government Pleader Sr.45746 & 45755

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W.P.Nos.9093 & 9108 of 2016

NRI [co]
srg 14/07/2017