

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.9265 of 2018

1.M.Palaniammal
2.Cheran
3.Suresh

..Petitioners

Vs

1.The District Collector,
Vellore,
Vellore District.

2.The Land Acquisition Officer and
Sub Collector,
Tirupattur,
Vellore District.

3.The Special Thasildar (LA),
O/o. The Special Thasildar's,
Tirupattur,
Vellore District.

...Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents to take the reference under Section 18 of Land Acquisition Act on file for enhancement of compensation amount award passed by the 2nd respondent in Award No.2/2000 (R.Dis.A. 5/98), dated 06.01.2001 in respect of land situated in S.No.850/1B, Andiyappanur Village and post, Vaniyambadi Taluk, Vellore District, measuring an extent of 4.04.5 hectare, without considering the limitation.

For Petitioners : Mr.D.Balachandran

For Respondents : Mr.D.Raja

Additional Government Pleader

ORDER

Heard the learned Counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused materials available on record.

2. The petitioners have come forward with this writ petition seeking for issuance of a writ of mandamus to refer the matter under Section 18 of the Land Acquisition Act.

3. The petitioners would state that the first petitioner's husband and the father of the petitioners 2 and 3 Mr.Mani Mudaliyar was the absolute owner of the land comprised in Survey No.850/1B in Andiyappanur Village, Vaniyambadi Taluk, Vellore District and his land measuring 4.04.5 hectare was acquired by the respondents for formation of Andiyappanur Odai Reservoir Project Scheme.

4. The land Acquisition Officer has passed an award, dated 06.01.2001 in award No.2 of 2000, fixing the compensation at Rs.5,000/- per cent. Being dis-satisfied with the amount, the petitioners gave a representation to the respondents to refer the matter under Section 18 of the Land Acquisition Act. Since a rival claim was made by one M/s. Front Line, Lightings Limited, the award amount was deposited in the Court, and the issue was decided in LAOP 210 of 2002 by the learned Fast Track Court, Tirupattur on 05.09.2011.

5. The petitioners would further state that subsequently the second respondent has referred the matter to the Civil Court, but it was returned on the ground it was beyond the period of limitation and hence the present writ petition.

6. The learned Additional Government Pleader for the respondents would submit that after the award came to be passed on 06.01.2001, a request was made by the petitioners to refer the matter to the Civil Court under Section 18, however, due to the rival claim, the matter was not referred earlier and the reference made in the years 2013 and 2017 have been returned by the Court on the ground of limitation and now they are ready to refer the matter to the Civil Court.

7. In the light of the above facts and submissions of the learned Additional Government Pleader, the respondents are directed to refer the matter to the Civil Court under Section 18 of the Act and the learned Special Sub Court, (LAOP Court), Vellore District shall take up the reference on file and dispose of the same on merits and in accordance with law.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

msrm

To

1.The Special Sub Judge, (LAOP Court)
Vellore District, Vellore.

2.The District Collector,
Vellore,,
Vellore District.

3.The Land Acquisition Officer and
Sub Collector,
Tirupattur,
Vellore District.

4.The Special Tahsildhar (LA),
O/o. The Special Tahsildhar's,
Tirupattur,
Vellore District.

+ 1 cc to Mr.D.Balachandran, Advocate Sr.36962

+ 1 cc to Mr. Government Pleader Sr.37938

W.P.No.9265 of 2018

CA(CO)
EU(26/06/2018)

सत्यमेव जयते

WEB COPY