

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.10.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. 9121 of 2018

R.Mothilal

.. Petitioner

-Versus-

1. The Special Tahsildar (Land Acquisition),
Outer Ring Road, Unit-6,
C.M.D.A., Koyambedu,
Chennai-600 107.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-600 008. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.123/2004/A1/Unit-6, dated 01.03.2018 and quash the same and consequently direct the respondents herein either to refer the case of the petitioner to the competent Civil Court under Sec.18 of the Land Acquisition Act or in the alternate to pay the sum of Rs.13,500/- per cent based on the orders passed by Lok Adalat by order dated 19.05.2017.

For Petitioner : Mr.G.Karthikeyan

For Respondents : Mr.D.Raja,
Addl. Government Pleader for R1
: Mr.Thiruvengadam
Standing Counsel for C.M.D.A.
for R2

ORDER

This writ petition has been filed seeking a direction to the respondents to refer the award under Sec.18 of the Land Acquisition Act (hereinafter called as 'Act').

2. According to the petitioner, the lands belong to the petitioner was acquired for forming Outer Ring Road and subsequently, an award was passed without any notice to the petitioner during the year 2006, and the petitioner was not

aware of the proceedings. Subsequently, the amount was deposited only in the year 2016. After coming to know about the same, the petitioner has filed an application under Sec.18 of the Act seeking for a reference, which has been rejected by the respondent. Now, this Writ Petition has been filed by the petitioner challenging the order passed by the 1st respondent refusing the petitioner's request to refer the matter under Sec.18 of the Act.

3. Mr.G.Karthikeyan, learned counsel appearing for the petitioner would submit that since the petitioner is the subsequent purchaser of the property, he is not aware of the award proceedings. The award was passed during the year 2006, and the amount was deposited only in the year 2016. Only after the deposit of the award amount, he came to know about the proceedings and submitted a representation seeking for a reference for enhancement of compensation. Hence, there is no delay in filing the application.

4. The learned counsel appearing for petitioner also further submitted that for the lands covered in the very same notification, a neighbouring landowner has filed an application for reference, wherein the compensation has been enhanced in the Lok Adalat. Hence, the petitioner is also entitled for the similar relief.

5. The learned counsel appearing for the respondents contended that the award amount was deposited in the year 2016 and a notice under Sec.12(2) of the Act, was also served on the petitioner, who is the subsequent purchaser of the property, and now, after the period of 2 years, the petitioner has filed an application seeking the reference for enhancement of the compensation, which is barred by limitation.

6. I have considered the rival submissions and perused the records carefully.

7. Admittedly, the award was passed during the year 2006, but the award amount was deposited only in the year 2016. After period of 2 years, the petitioner has made a representation only in the year 2018 seeking for a reference, which was rejected on the ground of limitation. However, now it is submitted that a neighbouring landowner, whose land was also acquired in the same notification, has filed a petition for reference under Sec.18, of the Act, and that application was referred to Lok Adalat, and the Lok Adalat recently passed an award enhancing the compensation. The learned counsel appearing for petitioner also produced the copy of the order passed by the Lok Adalat, Tiruvallur.

8. Considering the fact that, now in the application filed by the neighbouring landowner, the compensation amount has been enhanced, the petitioner is at liberty to make a fresh application under Sec.28-A of the Land Acquisition Act before the competent authority within a period of four weeks from the

date of receipt of the copy of this order. On filing such application, the authorities are directed to consider the petitioner's application and pass suitable orders on merits and in accordance with law within a period of twelve weeks thereafter.

9. In the result, this Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

rpp

To

1. The Special Tahsildar (Land Acquisition),
Outer Ring Road, Unit-6,
C.M.D.A., Koyambedu,
Chennai-600 107.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-600 008.

+1cc to Mr.*, Advocate SR.No.
+1cc to Mr.*, Advocate SR.No.
+1cc to Government Pleader SR.No.

W.P. 9121 of 2018

RSV(CO)
GMY(14/12/2018)

सत्यमेव जयते

WEB COPY