

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1479 of 2018 and
CMP No.11674 of 2018

The District Collector
Land Acquisition Officer,
Collectorate, Kancheepuram. Appellant/Respondent

-vs-

M.Rajarethinam Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in W.P No.29599 of 2017 dated 05.02.2018.

PRAYER IN W.P No.29599 of 2017:

Writ Petition filed Under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to quash the impugned order dated 29.07.2017 passed in Na.Ka.No.16832/2008/vg;1 and thereby direct the Respondent to send the Petitioners appeal to the Competent Court for adjudicate the correct compensation.

For Appellant : Mr.V.Anandhamoorthy
Addl.Govt.Pleader

For Respondent : Mr.A.R.Nixon

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN, J.]

The Land Acquisition Officer acquired the property owned by the respondent in S.No.491/20 Paiyanur Village, Chengalpattu Taluk. Since the copy of the Award was not served on the respondent, request was not made initially to refer the matter to the Reference Court for re-determination of compensation. The representation submitted by the respondent later to refer the

matter for enhanced compensation was rejected on the ground that it was belated. The said order was put in issue in W.P.No.29599 of 2017.

2. The learned single Judge found that the Land Acquisition Officer failed to forward a copy of the Award to the respondent and that was the reason for the failure to submit application for reference within the statutory period. The learned single Judge therefore directed the District Collector to refer the matter to the Civil Court under Section 20(1) of the Tamil Nadu Highways Act, 2001. The said order is under challenge at the instance of the appellant.

3. The core question is as to whether the Land Acquisition Officer forwarded a copy of the Award to the land owner so as to enable him to exercise his right under Section 20(1) of the Tamil Nadu Highways Act.

4. There is a statutory duty cast on the Land Acquisition Officer to forward a copy of the Award made under the provisions of the Tamil Nadu Highways Act to the land owner. There is nothing on record to show that the District Collector after passing the Award forwarded a copy the same to the first respondent. The Land Acquisition Officer would be justified in his contention only in case even after the Award was communicated to the respondent, the application for reference was not made within the statutory period. When it is clear that there was no participation of the land owner in the proceedings for valuation and that the Award was not communicated to him, it cannot be said that the application for reference on receipt of a copy of the Award is belated. The learned single Judge considered the scope and ambit of Section 20(1) of the Tamil Nadu Highways Act and having found that the copy of the Award was not served on the respondent, rightly directed the Land Acquisition Officer to make a reference. We do not find any error or illegality in the said order warranting our interference.

5. In the upshot, we dismiss the intra court appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-ix)

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Sub Assistant Registrar

svki

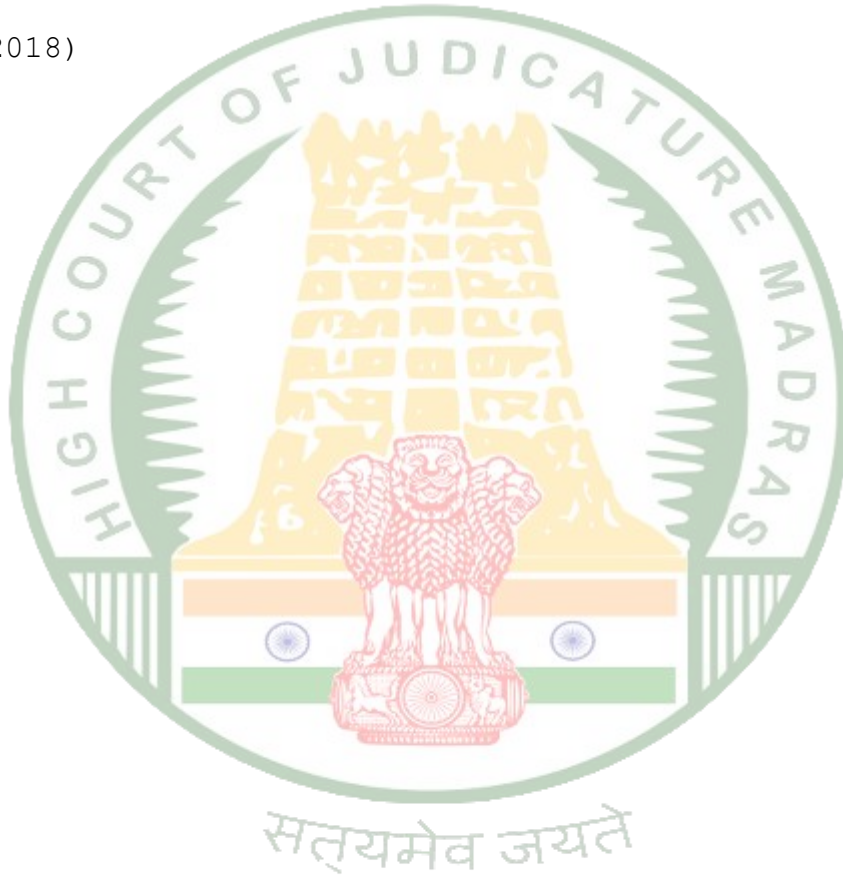
TO

1. The District Collector
Land Acquisition Officer,
Collectorate, Kancheepuram.

+1cc to Mr.A.R.NIXON, Advocate, S.R.No. 46039
+1cc to the Government Pleader, S.R.No. 47048

W.A.No.1479 of 2018

GJ(CO)
TR(23/08/2018)



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