

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.30297 of 2003

V.Bakthavatsalam

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Secretary to Govt.,
Department of Land Administration,
Fort St.George, Chennai-9.
2. Revenue Divisional Officer, Ramnad.
3. The Special Tahsildar, Land Acquisition, Ramnad. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the second respondent in his order No.Na.Ka.A.10/179/90, dated 17.08.1999, to quash the same and to direct the second respondent to send the matter for reference under Section 18 of the Act for the lands acquired in S.No.42/5A1 measuring 1620 Sq.Ft. situated in Pattinamkathan Village, Ramnad Taluk and District, as per the Award No.1/97-98, dated 03.04.1997 to the Sub-Court, Ramnad.

For Petitioner : Mr.M.Md.Ibrahim Ali

For Respondents : Mr.S.N.Parthasarathy, Govt. Advocate

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the second respondent in his order No.Na.Ka.A.10/179/90, dated 17.08.1999, to quash the same and to direct the second respondent to send the matter for reference under Section 18 of the Act for the lands acquired in S.No.42/5A1 measuring 1620 Sq.Ft. situated in Pattinamkathan Village, Ramnad Taluk and District, as per the Award No.1/97-98, dated 03.04.1997 to the Sub-Court, Ramnad.

2. It is seen that the application seeking for reference under Section 18 of the Land Acquisition Act, was rejected on the ground that it was time barred. Admittedly, the respondents are unable to state as to when the petitioner had the knowledge and whether the award was pronounced in his presence. Since the respondents are unable to produce any evidence before this Court, this Court has no other option except to pass an order directing the second respondent-RDO to make a reference under Section 18 of the said Act. When once reference is made, it is open for the parties to put forth their submissions on merits. Since the respondents are handicapped for want of documents, it is needless to mention that the respondents shall put forth the factual and legal contentions about the fact that the petitioner had the knowledge of the passing of the award earlier, and that the claim is time barred.

3. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cs

To

1. State of Tamil Nadu,
Rep. by its Secretary to Govt.,
Department of Land Administration,
Fort St.George, Chennai-9.

2. Revenue Divisional Officer, Ramnad.

3. The Special Tahsildar, Land Acquisition, Ramnad.

+1cc to Mr.M.Md.Ibrahim, Advocate, S.R.No.5015

+1cc to the Government Pleader, S.R.No.5836

W.P.No.30297 of 2003

RRK(13/02/2018)