

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.21320 of 2009

N.R.Soundararajan

...Petitioner

Versus

The Revenue Divisional Officer,
Coimbatore - 641 001.

.. Respondent

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records relating to O.M.No.11254/2005/A3, dated 12.9.2005, on the file of the respondent herein and to quash the same and direct the respondent to refer the dispute to the Civil Court relating to the payment of compensation, covered under Award No.5/94 dated 29.7.1994, on his file over the lands bearing Survey Nos.341/1, 341/3 and 345/1A1 to an extent of 0.41.5 Hectares in Uppillipalayam Village, Coimbatore South Taluk and District under Section 18 of the Land Acquisition Act, within a time frame as may be fixed by this Court.

For Petitioner : Mr.P.Raja

For Respondent : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

Heard Mr.P.Raja, learned counsel for the petitioner and Mr.Akhil Akbar Ali, learned Government Advocate for the respondent and perused the materials available on record.

2.This writ petition has been filed to quash the order of the respondent dated 12.09.2005, in and by which, the request of the petitioner to refer the matter under Section 18 of the Land Acquisition Act, 1894, was rejected.

3. It seems that the land of the petitioner measuring an extent of 0.41.5 Hectares in Uppilipalayam Village, Coimbatore South Taluk and District was acquired by the Government for extension of existing run way of Coimbatore Airport and he was awarded compensation of Rs.2,06,899/-. The award amount with interest was deposit to the credit of L.A.O.P under Sections 30 and 31 of the Land Acquisition Act and on an application of the petitioner, the amount was disbursed on 25.4.2003.

4. It is alleged that the petitioner was not given an opportunity to participate in the award enquiry and hence, he could not claim reference under Section 18 of the Land Acquisition Act. The representation of the petitioner dated 24.8.2005 was rejected on the ground that after receiving the award amount, an application seeking reference under Section 18 of the Land Acquisition Act, is not maintainable.

5. It is seen from the records that the petitioner received the award amount on 13.11.2003 and has submitted an application seeking reference under Section 18 of the said Act, after lapse of two years i.e, on 24.08.2005. The rejection order of the respondent dated 12.09.2005 was challenged by the petitioner after lapse of four years, which shows that the petitioner was not vigilant in prosecuting his case.

6. In my considered opinion, this writ petition is liable to be dismissed on the ground of laches. In that view, the writ petition fails and the same is dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

The Revenue Divisional Officer,
Coimbatore - 641 001.

+1cc to Mr.Elizabeth Ravi, Advocate Sr.51110
+1cc to the Government Pleader Sr.51425

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srg 30/08/2018