

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.28970 of 2017

G.Poongavanam ... Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Kancheepuram District.

2. Tahsildar, (Land Acquisition),
Office of the Tahsildar, Tambaram,
Kancheepuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to refer the representation of the petitioner to Reference Court under Section 18 of the Land Acquisition Act 1894 for redetermination of the award passed by the 2nd respondent.

For Petitioner : Mr.M.Rajasekhar

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

सत्यमेव जयते
O R D E R

1. The grievance of the petitioner is that her property admeasuring 4,311 sq.mtrs. in Survey No.53/1 and 54/2 in No.42 of Kelambakkam Village, Thiruporur Taluk, Kancheepuram District was acquired under the provisions of the Tamil Nadu Highways Act, 2001 (Act No.34/2001). The learned counsel for the petitioner submitted that an award in this case was passed on 30.04.2013. The petitioner submits that no notice was served on the petitioner before passing of award. While so, the petitioner was served with a cheque on 04.05.2017. Only then, did the petitioner come to know about passing of the award. According to the petitioner, without loss of time on 30.06.2017, she has filed her representation to the first respondent to make

a reference to the concerned Civil Court for deciding on the enhancement of compensation under Section 20 (1) of the Tamil Nadu Highways Act, 2001. That was not done. Hence the petitioner has now approached this Court with the present petition.

2. Mr.Akhil Akbar Ali, Government Advocate appear for the respondents and has filed the counter. In the counter, it is specifically alleged that a notice of passing of the award was served on the petitioner as early as 16.05.2013, and that it was served on one of the co-sharers of the petitioner.

3. Responding to the same, the learned counsel for the petitioner submitted that the petitioner is 71 years, widow and she was not informed by co-sharers. He added that while the award was passed on 30.04.2013, compensation was disbursed to the petitioner only on 04.05.2017, and that no interest was paid for the period from the date of passing of the award till date of payment.

4. Taking the totality of the circumstances involved in this case, this Court directs the Collector to refer the matter to the concerned Civil Court within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the petitioner would not be entitled to any interest for the period beyond 60 days time within which the reference would have been made till 30.06.2017, when the petitioner had made a representation for reference. On the allegation of the petitioner that no interest was paid to the petitioner during the period between passing of the award and payment of compensation, the petitioner is directed to workout his remedy independently before the Land Acquisition Authority. No interest.

5. With the above direction, this petition is disposed of. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

ssn

To

1. The District Collector,
Office of the District Collector,
Kancheepuram District.

2. Tahsildar, (Land Acquisition),
Office of the Tahsildar,
Tambaram,
Kancheepuram District.

+1cc to Mr.M.Rajasekhar, Advocate, S.R.No.15187

W.P.No.28970 of 2017

RRK(16/03/2018)



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