

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.11.2018
CORAM
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
W.P.No.16183 of 2018
and
W.M.P.No.19271 of 2018

C.Prabakar Reddy

... Petitioner

Vs

1. The District Collector,
Thiruvallur District,
Office of the District Collector,
Thiruvallur.
2. The Revenue Divisional Officer,
Thiruvallur District,
Office of the District Collector,
Thiruvallur.
3. The Land Acquisition Officer and
Special Tahsildar, Section -4,
Kannankottai, Thervoy Kandigai,
Water Storage Project,
Gumidipoondi.
4. The Tahsildar,
Uthukkottai Taluk,
Thiruvallur District.
5. The Chief Engineer,
Public Works Department,
Gumidipoondi.
6. Mrs.K.Thirupurasundari
7. Mrs. Meenakumari
8. Mrs. K.Tamilselvi
9. Mr. K.Mano Balaji

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for an issuance of Writ of Certiorarified Mandamus to call for the records in Award No.5 of 2014 Alagu 4 Na.Ka.7/13/A1 dated 10.03.2014 on the file of the third respondent and quash the same and consequently issue a direction to the respondents 1 to 5 to consider the Sub-Divisions of the land in accordance with the sale deeds of the petitioners and the respondents 6 to 9 for payment of compensation.

For Petitioner : Mr. M.L.Ramesh
For Respondents : Mr.D.Raja,
A.G.P.,
for R1 to R4.
R6 to R9 -NA

O R D E R

This writ petition has been filed challenging the notice issued under Section 12(2) of the Land Acquisition Act .

2. The grievance of the petitioner is that he has sold certain extent of property in favour of the husband of the 6th respondent and the father of respondents 7 to 9. But, inadvertently, patta has been granted to a larger extent to the respondents 6 to 9. Subsequently, the above lands were acquired for construction of water channel of Kannakottai-Thervoykandigai Reservoir Scheme. The Acquisition Officer passed award based on the patta granted by the Revenue Authorities without reference to the actual sale of the property. Challenging the notice issued under Section 12(2) of the Land Acquisition Act 1894, the present writ petition has been filed.

3. Earlier notice was ordered to the respondents 6 to 9. Even though notice was served on the respondents 6 to 9 and their names were also printed in the cause list, none appeared for the respondents.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.

5. The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that if at all any dispute regarding the title over the property, now the respondents are ready and willing to refer the matter under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act 2013 (herein after referred as "2013 Act").

6. Mr. M.L.Ramesh, learned counsel for the petitioner has no objection for the same.

7. Considering the above facts and circumstances, without going into the merits of the case, since admittedly, there is some dispute with regard to the title over the property and now, the Acquisition Officer is also willing to refer the matter under Section 64 of the 2013 Act, the third respondent is directed to refer the award under Section 64(1) of the 2013 Act to the competent authority .

8. With the above observations and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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4. The Tahsildar,
Uthukkottai Taluk,
Thiruvallur District.
5. The Chief Engineer,
Public Works Department,
Gumidipoondi.

+1cc to Mr.M.L.Ramesh, Advocate, S.R.No.77610

+1cc to the Government Pleader, S.R.No.78289

W.P.No.16183 of 2018

GSP(08/01/2019)