

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.14188 of 2018
and WMP.No.16754 of 2018

C.Rajesh

..Petitioner

Vs

1. The Principal Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The District Collector,
Thiruvallur District,
Thiruvallur District Master Plan Complex,
NH-205, Tiruvallur - 602001.
3. The District Revenue Officer,
Thiruvallur District Master Plan Complex,
NH-205, Tiruvallur - 602001.
4. The Special Thasildar,
Land Acquisition Unit-II,
Kannankottai Thervoykandigai,
Reservoir Scheme @ Kavaripet,
Gummidipoondi,
Thiruvallur District.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the fourth respondent to refer the dispute raised by the petitioner herein under Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) to the court in respect of the lands comprised in S.No.142/1A, in No.26, Kannankottai Village and Panchayat, Gummidipoondi Taluk, Thiruvallur District pending in L.A.O.P.No.16 of 2014 proceedings on the file of the Sub Court at Ponneri.

For Petitioner : M/s.D.Sam Nandhakumar
For Respondents : Mr.D.Raja, AGP

ORDER

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

2. According to the petitioner, he is the absolute owner of the property measuring an extent of 40.51 acres of agricultural land in Survey No.144/1A, in No.26, Kannankottai Village Panchayat, Gummidipoondi Taluk, Thiruvallur District, vide sale deed dated 29.01.2007. The entire extent of the petitioner's land was acquired by the respondents for formation of new reservoir, by issuance of a Notification, dated 26.08.2013 under Section 4 (1) of the Land Acquisition Act.

3. The petitioner would state that one Dr.Ambedkar Narpani Mandram claimed that the said lands were Government Poramboke. Moreover, one P.Rajagopal and Muthaiyapandian filed a writ petition claiming that they have purchased the said property through the Power of Attorney, viz., Chinnadurai. Since there was a rival claim, the interim award passed by the respondents was deposited in LAOP.No.16 of 2014 on the file of the Sub Court, Ponneri.

4. The learned counsel for the petitioner would submit that as per Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the dispute can be determined only by the Civil Court and he seeks reference.

5. The learned Additional Government Pleader would submit that the final award enquiry is now pending before the Commissioner of Land Administration. After passing final award, if there is any dispute regarding disbursement of the award amount, the matter may be referred to the Civil Court.

6. In reply, the learned counsel for the petitioner would submit that in the final award enquiry proceedings, the petitioner may be given an opportunity to participate and a suitable direction may be given in this regard.

7. The learned Additional Government Pleader submitted that the interim award was passed in favour of the petitioner and he would be permitted to participate in the final award enquiry proceedings.

8. In the light of the submissions of the learned counsels appearing on either side, this Court directs the petitioner to participate in the final award enquiry

proceedings, which is to be conducted by the Commissioner of Land Administration. After final award is passed, the Commissioner shall pass appropriate order purely on merits and in accordance with law, with regard to referring the matter to the Civil Court.

9. With the above observation and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Principal Secretary to Government,
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Reservoir Scheme @ Kavaripet,
Gummidipoondi,
Thiruvallur District.

+1cc to Mr.D.SAMNANDHAKUMAR, Advocate, S.R.No.44508
+1cc to the Government Pleader, S.R.No.44608

W.P.No.14188 of 2018

SSV(CO)
TR(23/07/2018)