

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.4704 of 2016
and
W.M.P.No.4094 of 2016

Mr. S. Sonamuthu

...Petitioner

Versus

1. The District Collector,
Kancheepuram District at
Kancheepuram.
2. The District Collector,
Tiruvallur District at
Tiruvallur.
3. The Revenue Divisional Officer,
(Land Acquisition Officer),
Saidapet, No.147, Greams Road,
Chennai - 600 007 and now
Revenue Divisional Officer,
Ponneri,
Tiruvallur District.
4. The Revenue Divisional Officer,
Tambaram,
Kancheepuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents herein or their subordinates or any other authority so as to make a reference under Section 18(1) of the Land Acquisition Act, 1894 as amended therein to the competent Civil Court with respect to the land comprised in S.No.150/1A-9B in an extent of 33 ½ cents and situated in Kadaperi Village, Tambaram Taluk, Kancheepuram District which is the subject matter of acquisition proceedings and within such time as may be prescribed by this Hon'ble Court.

For Petitioner : Mr. N. Damodaran
For Respondents : Mr. M. Karthikeyan,
Addl. Govt. Pleader

O R D E R

1.1. The petitioner has come before this Court with this Writ Petition seeking a direction against a Revenue Divisional Officer who is designated as the Land Acquisition Authority, Ponneri, to refer the matter to a Civil Court under Section 18 of the Land Acquisition Act, 1894, since he was not satisfied with the Award No.2 of 1992 dated on 15-12-1992, that a request for reference was made through a registered letter dated 11-01-1993, that as no action was taken on it, the petitioner approached this Court in W.P.No.42516 of 2002, and this Court Vide its Order dated 27-11-2002 has directed that a Reference under Sec.18 of the Land Acquisition Act, 1894, be made. The Collector displayed an attitude that would easily challenge the ability which only inanimate icons possess: To remain where he has been, as he did not consider it appropriate to follow the Order of this Court. This inaction continued for the next 14 years, and therefore the petitioner is constrained to move this Court yet again with the present petition.

1.2. This Court Vide its interim order dated 22.03.2016 expressed its deep concern if not anguish over the lackadaisical attitude displayed by the authorities and their insensitivity to the plight of the citizen, and directed the authorities to make a reference. Even this was not adequate to spur the authorities into action.

2. When the matter came up before this Court again on 21.12.2017, this Court was informed that a Reference was made to the Court concerned, but the papers were returned by the Court to cure certain defects. Today, when the matter came up, Mr.M.Karthikeyan, the learned Additional Government Pleader appearing for the respondents submitted that the defects were complied for the Reference to be taken on file by the Sub Court, Tambaram, and first hearing of the case is posted to 22.03.2016.

3.1 The learned counsel for the petitioner submitted that a belated Reference should not deny the petitioner of his just entitlement to interest for the period before the date of actual Reference. There is merit in the submission. Therefore, the Reference Court, in the eventuality of it finding materials to enhance the compensation, should deal with the aspect of payment of interest as if the Reference was made in time.

3.2. But who loses in the bargain? We, the Public, to who the State finance ultimately belong. The bureaucratic indifference in attending to the statutory obligation to make the Reference has led to the mismanagement of public funds, and it appears to go unnoticed, without any accountability.

3.3. The Chief Secretary, Government of Tamil Nadu, is directed to fix responsibility on the erring official or officials, howsoever high he may be, who is responsible to the present situation and posed a possibility of loss to the exchequer, and to deal with him/her Departmentally, and to report the same to this Court.

4. This Court directs the Reference Court to dispose of the matter as expeditiously as possible, and at any rate within a period of six months from the date of receipt of copy of this Order.

5. With the directions given in paragraphs 3.3. and 4 above, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

mrr
TO

1. THE CHIEF SECRETARY
GOVERNMENT OF TAMIL NADU
FORT ST. GEORGE
CHENNAI. (WITH DIRECTIONS)

2. THE DISTRICT COLLECTOR,
KANCHEEPURAM DISTRICT AT
KANCHEEPURAM.

3. THE DISTRICT COLLECTOR,
TIRUVALLUR DISTRICT AT
TIRUVALLUR.

4. THE REVENUE DIVISIONAL OFFICER,
(LAND ACQUISITION OFFICER),
SAIDAPET, NO.147, GREAMS ROAD,
CHENNAI - 600 007 AND NOW
REVENUE DIVISIONAL OFFICER,
PONNERI,
TIRUVALLUR DISTRICT.

5. THE REVENUE DIVISIONAL OFFICER,
TAMBARAM,
KANCHEEPURAM DISTRICT.

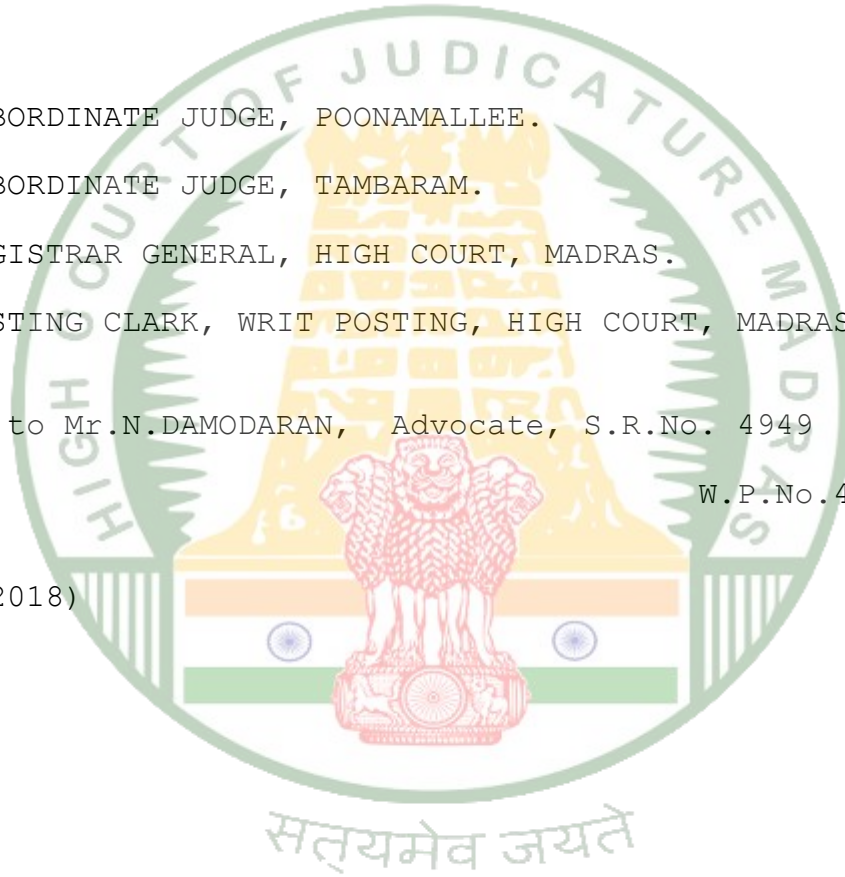
COPY TO

1. THE SUBORDINATE JUDGE, POONAMALLEE.
2. THE SUBORDINATE JUDGE, TAMBARAM.
3. THE REGISTRAR GENERAL, HIGH COURT, MADRAS.
4. THE POSTING CLARK, WRIT POSTING, HIGH COURT, MADRAS.

+1cc to Mr.N.DAMODARAN, Advocate, S.R.No. 4949

W.P.No.4704 of 2016

NRI(CO)
TR(03/04/2018)



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