

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 13880 of 2017

S.Raja

... Petitioner

Vs

The Revenue Divisional Officer
and Land Acquisition Officer,
Thiruvannamalai.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider and pass suitable orders on the undated representation made to him and received by his office on 18.03.2016 requesting him to refer the Award passed by him in A1 21185/80 dated 18.10.1985 regarding land measuring 1.78 acres situated in the village of Kilpennathur now in the District of Thiruvannamalai belonging to my grandmother late Rajammal to the court under Section 18 of the Land Acquisition Act, 1984 acquired for allotment to the North Arcot marketing committee renamed as Thiruvannamalai Market Committee, Tindivanam Road, Thiruvannamalai.

For Petitioner : Mr.S.Balasubramanian,
Senior Advocate for
Mr.A.J.Alwyn Prabakar

For Respondent : Mr.M.Elumalai
Government Pleader

सत्यमेव जयते
O R D E R

This Writ Petition has been filed seeking for a direction directing the respondent to consider the petitioner's representation seeking for reference under Sec.18 of the Land Acquisition Act, 1984.

2. The grievance of the petitioner is that the petitioner's lands were acquired for the purpose of constructing market committee building. Earlier, challenging the acquisition proceedings, the petitioner has filed a Writ Petition in W.P.No.6498/1986 and this court by an order dated 26.10.2007 allowed the Writ Petition and thereby set aside the acquisition proceedings.

3. Challenging the above said order, the Marketing Committee filed an appeal in Writ Appeal No. 284/2008 and a Division Bench of this Court by an order dated 18.06.2008 allowed the Writ Appeal on the ground that employment has been provided to one of the members of the petitioner's family. So far as the compensation is concerned, the Division Bench has recorded the statement of learned counsel appearing for the appellant that they will work out the remedy before the Civil Court in accordance with law.

4. Thereafter, since the copy of the award was not served on the petitioner, the petitioner has filed another Writ Petition in W.P.No.3573 of 2015 seeking for a direction to the respondent to furnish the copy of the award, and this Court by an order dated 17.02.2015, directed the respondent to consider the petitioner's representation and pass suitable orders, even then, no order has been passed. Hence, the petitioner has filed a Contempt Petition No.2557 of 2015, when the contempt petition came up for hearing on 19.11.2015, the copy of the award has been furnished to the petitioner. Hence, the contempt petition was closed. Thereafter, the petitioner has made a representation to the respondent seeking for a reference under Sec.18 of the Land Acquisition Act for enhancement of compensation. Since the above representation was not considered, the present Writ Petition has been filed by the petitioner.

5. Today, the respondent has filed the counter affidavit stating that, even though the award was passed on 18.10.1985, the petitioner did not file the application within a period of six weeks from the date of the copy of the award. Hence, the petitioner's request is barred by limitation.

6. I have heard Mr.S.Balasubramanian, learned senior counsel appearing for the petitioner and Mr.M.Elumalai, learned Government Pleader appearing for the respondent.

7. It is an admitted case that even though the award was passed on 18.06.1985, the copy of the award was not furnished to the petitioner. In the said circumstances, the petitioner has filed a Writ Petition in W.P.No.3573 of 2015 seeking for a copy of the award and this Court by an order dated 17.02.2015, directed the respondents therein to consider the petitioner's representation, even then, the copy of the award was not furnished to him, which compelled him to file a Contempt Petition before this Court. Pending Contempt Petition alone, the copy of the award was furnished to him on 19.11.2015. The limitation starts from the date of furnishing the copy of the award and not from the date of the award. Hence, the plea of limitation raised by the respondent cannot be countenanced. In the said circumstances, the petitioner's representation is

pending with the respondent, the respondent is directed to consider the petitioner's representation considering the fact that the copy of the award was furnished to him only on 19.11.2015 and pass suitable orders in accordance with law within a period of four weeks from the date of receipt of the copy of this order.

8. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpp

To

The Revenue Divisional Officer
and Land Acquisition Officer,
Thiruvannamalai.

+1cc to Mr.A.J.Alwyn Prabakar, Advocate, S.R.No.65744
+1cc to the Government Pleader, S.R.No.66298

W.P. 13880 of 2017

MR (CO)

rrs 19/11/2018



WEB COPY