

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.03.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.19192 of 2003

Kishtama Naidu (Deceased)

- 1.Rajammal
- 2.Geetha
- 3.Kamala
- 4.Sarala &
- 5.Sekar

...Petitioners

Versus

1. The Special Tahsildar,
Land Acquisition,
Krishna Water Supply Scheme,
Tiruvallur.

2. The Sub Judge,
Sub Court,
Tiruvallur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to L.A.O.P.No.148/2002 on the file of Sub Court, Thiruvallur and quash the same and direct the first respondent to re-determine the compensation amount in respect of the petitioner's land in Survey No.634/2, measuring 0.23.5 Hectare, in Ramacheri Village, Thiruvallur Taluk under Section 28A of the Land Acquisition Act on the petitioner's application dated 29.12.1993.

For Petitioner : Mr.R.Kumaravel
For Respondents : Mr.M.Karthikeyan,
Additional Government Pleader

O R D E R

1. The petitioner has come forward with a simplest of prayers possible, in that, according to him, his properties were acquired along with several others and that an award was passed. A certain land owner had referred the matter under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as

"Act") which was taken on file in L.A.O.P.No.148 of 2002 and that an award was passed therein on 29.12.1993, that it was referred to Lok Adalat for resolution, wherein compensation amount was increased by Rs.1,400/- per cent, that consequent to such award of the Reference Court, the petitioner has moved the Collector with a representation to grant him the compensation so awarded in the Lok Adalat as per Section 28-A of the Act, and as nothing was forthcoming he approached this Court in W.P.No.8063 of 2002 for a direction to dispose of the said representation and this Writ Petition was disposed of with a direction to the respondent to dispose of the representation of the petitioner. Subsequently, petitioner come to know of the Section 28-A are being forwarded referred to the Sub Court, Thiruvallur in L.A.O.P.No.148/2002, which is a procedure contrary to statute, and in this circumstance, the petitioner has come forward with this petition.

2. No counter affidavit has been filed in this case. Mr.M.Karthikeyan, the learned Additional Government Pleader appearing for the respondents. Despite suffering an order in W.P.No.8063 of 2002, the Collector has not disposed of the matter. It also appears that in view of the passage of time since the disposal of the original L.A.O.P.No.299/89 on 30.06.1993 that there is no meaning in keeping the petitioner waiting for few more years.

3. The learned counsel for the petitioner makes a submission that in all these matters, awards were passed only by the Lok Adalat and the rates were also subsequently settled. This Court therefore directs the Collector to decide the petitioner's representation dated 29.12.1993 either by himself or disposed of the same by forwarding to Lok Adalat. If the District Collector, however, could not trace the representation of the petitioner dated 29.12.1993, then he is directed to require the petitioner to prefer a fresh representation which may be treated as one dated 29.12.1993, whereupon, the Collector shall adopt any one of the methods indicated hereinabove, and pass the final order within a period of three months from the date of receipt of a copy of this order.

4. In the result, this Writ Petition is disposed of in the manner indicated hereinabove. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//
Sub Assistant Registrar

mrr

To

1. The Subordinate Judge,
Sub Court,
Tiruvallur.
2. The Special Tahsildar,
Land Acquisition,
Krishna Water Supply Scheme,
Tiruvallur.

Copy To
The District Collector,
Tiruvallur

+1cc to Mr.R.Kumaravel, Advocate, S.R.No.20528

W.P.No.19192 of 2003

MG(CO)
CS/07/06/18



WEB COPY