

In the High Court of Judicature at Madras

Dated : 27.11.2018

Coram :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Appeal No.2430 of 2018 & CMP.Nos.19579 & 19585 of 2018

M.Jayapal

...Appellant

Vs

- 1.The Government of Tamil Nadu,  
Rep.by its Principal Secretary to  
Government, Public Works  
Department, Fort St.George,  
Chennai-9.
- 2.The District Collector, Office of  
The Collectorate, Thiruvallur,  
Thiruvallur.
- 3.The Special Tahsildar (LA), Unit II,  
Kannankottai - Thervoy Kandigai  
Reservoir Scheme, Telegu Colony,  
Kavaraipettai, Kavaraipettai Post,  
Gummidipoondi Taluk, Tiruvallur  
District - 601206.
- 4.The Executive Engineer, Public  
Works Department, Kannankottai  
Village, Gummidipoondi Taluk,  
Thiruvallur District-601206.
- 5.Smt.Vidhya Rameshwar Rao
- 6.M/s.Kannankottai Dr.Ambedkar Narpani  
Sangam, rep.by its President Mr.E.  
Thiruvénadam, Kannankottai Village,  
Gummidipoondi Taluk, Tiruvallur District.

7.Mrs.Sakunthala

8.Mrs.Thara

...Respondents

APPEAL under Clause 15 of the Letters Patent to set aside  
the order in W.P.No.25623 of 2018 dated 04.10.2018.

W.P.No.25623 of 2018:

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to make a reference in terms of Secs. 64 and 76 of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 No. 30 of 2013 Central Act to the competent Authority/ Court to decide the dispute as to the interested persons apportionment of the compensation as to the persons to whom the same is payable and for consequential reliefs in respect of the acquired the properties comprised in Old Survey No. 142/ 1 and New Survey Nos. 142/ 1A-16.40.0 and 142/ 1B-10.20.0 Hectares situated at No. 26 Kannankottai Village Gummidipoondi Taluk Thiruvallur District.

For Appellant : Mr.L.Nithianandam  
For Respondents 1 to 4 : Mr.V.Ananda Moorthy, AGP  
For Respondent-5 : Mr.R.Kumar

Judgment was delivered by T.S.SIVAGNANAM,J

We have heard the learned counsel on either side.

2. This appeal is filed by the appellant challenging the order passed by the learned Single Judge dated 04.10.2018 in WP.No.25623 of 2018.

3. The said writ petition was filed seeking for the issuance of a Writ of Mandamus directing the third respondent to make a reference in terms of Sections 64 and 76 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 [No.30 of 2013] Central Act to the Competent Authority/Court to decide the dispute as to the interested persons, apportionment of the compensation, as to the persons to whom the same is payable and for consequential reliefs in respect of the acquired the properties comprised in Old Survey No.142/1 and New Survey Nos.142/1A-16.40.0 and 142/1B-10.20.0 hectares situated at No.26, Kannankottai Village, Gummidipoondi Taluk, Thiruvallur District.

4. The learned Single Judge considered the matter and took note of the attempt made by the appellant to intervene in the proceedings before the Reference Court. However, the Reference Court rejected the claim made by the appellant, as against which, the appellant and others filed civil revision petitions under Article 227 of The Constitution of India before this Court in CRP(PD)Nos.3022 to 3024 of 2017, which were disposed of by a

common order dated 02.3.2018.

5. The appellant seeks umbrage under a liberty granted in the said civil revision petitions to approach the concerned Authority and make an application before him in the final award stating that he is a cultivating tenant in the subject property by producing necessary documents.

6. In our respectful consideration, such a liberty could not have been granted in the said civil revision petitions, as it would expand the scope of the proceedings and since the said civil revision petitions were filed challenging the orders dated 30.6.2017 in I.A.Nos.142 to 144 of 2017 in LAOP.Nos.13 to 15 of 2014 on the file of the learned Subordinate Judge, Ponneri wherein they sought for impleadment in the said land acquisition original petitions.

7. Be that as it may, the learned Single Judge, for the reasons assigned in the impugned order, dismissed the said writ petition by observing that only award enquiry is pending and that no award has been passed.

8. The learned counsel for the appellant contends that an interim award has been passed. Further, he vehemently contends that the acquisition being under the provisions of the Act 30 of 2013, the rights of the appellant are protected in as much as he would fall within the definition of the expression 'affected family' as defined under Section 3(c)(ii) and the definition of the expression 'person interested' as defined under Section 3(x)(iv) of the said Act.

9. In our considered view, to enable the appellant to come within the ambit of the definitions of the expressions 'affected family' and 'person interested', he should be able to establish the same with adequate documentary evidence. Therefore, we are of the considered view that the learned Single Judge was right in dismissing the said writ petition. However, we confirm the order for the reasons assigned by us in the preceding paragraphs.

10. During the pendency of this writ appeal, the third respondent passed an order dated 07.11.2018, from which, it is seen that the third respondent observed that the appellant has not been able to produce any documents to prove that he is an interested person. In any event, we do not wish to express any opinion about the said order dated 07.11.2018 passed by the third respondent, since it is for the appellant to question the same before the appropriate forum in a manner known to law, if he is so aggrieved.

11. The learned counsel for the appellant is given an option to take liberty from this Court to challenge the said order dated 07.11.2018 before the appropriate forum.

12. However, the learned counsel for the appellant does not have any instructions on the same. He would state that in the interregnum, his interest may be protected, as this Court, by order dated 02.11.2018, granted an order of status quo.

13. We have perused the said order dated 02.11.2018 and we find that the order of status quo will not enure to the benefit of the appellant, as the lands were already acquired and are vested with the Government and the land acquisition proceedings are over. For the above reasons, we find no merits in the writ appeal.

14. Accordingly, the writ appeal is dismissed. No costs. Consequently, the connected CMPs are also dismissed. The order of status quo granted shall stand vacated.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

RS

To

1. The Principal Secretary to Government of Tamil Nadu, Public Works

Department, Fort St. George, Chennai-9.

2. The District Collector, Office of The Collectorate, Thiruvallur.

3. The Special Tahsildar (LA), Unit II, Kannankottai - Thervoy Kandigai

Reservoir Scheme, Telegu Colony, Kavaraipettai, Kavaraipettai Post,

Gummidipoondi Taluk, Tiruvallur, District - 601206.

4. The Executive Engineer, Public Works Department, Kannankottai Village, Gummidipoondi Taluk, Thiruvallur District-601206.

+2 Ccs to Mr. R. Kumar, Advocate sr 80699.

WA.No.2430 of 2018 and  
CMP.Nos.19579 & 19585  
of 2018

PA (CO)

SP(30/11/2018)