

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

WRIT APPEAL No.762 OF 2018

JUDGMENT (ORAL) : (Per Hon'ble Sri Justice V. Ramasubramanian)

Aggrieved by a limited direction issued by the learned Judge in the writ petition filed by them, but not granting the full benefit that they wanted, the persons whose lands were sought to be acquired under the Land Acquisition Act, 1894, have come up with the above Writ Appeal.

2. Heard Sri T.V.S. Prabhakar Rao, learned counsel for the appellants. Learned Government Pleader for Land Acquisition takes notice for the respondents.

3. By a notification dated 14.07.2006, issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'Act'), the lands belonging to the appellants were sought to be acquired. The emergency clause was invoked. The appellants resigned themselves to the acquisition and made a representation on 29.07.2006 only for higher compensation. An award was passed on 14.07.2007.

4. However, when an attempt was made to dispossess the appellants, they came up with the writ petition seeking a declaration that the notification issued under Section 6 of the Act was illegal and for prohibiting the respondents from executing any work on the appellants' land without conducting further enquiry. Finding that after issue of the

award, the question of interference with the declaration under Section 6 of the Act would not arise, the learned Judge dismissed the prayer made by the appellants, but granted the limited relief of allowing them to go before the reference Court in terms of Section 18 of the Act. Contending that the relief so granted was not sufficient, the appellants are before us. The facts are not in dispute. An award had already been passed on 14.07.2007. The appellants did not *per se* object to the acquisition, but only wanted a higher compensation as seen from their representation dated 29.07.2006.

5. As a matter of fact, the appellants should be happy that despite a period of limitation prescribed in terms of Section 12(2) of the Act, the learned Judge directed a reference to be made under Section 18 of the Act. In such circumstances, there are no merits in the Writ Appeal and hence dismissed. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Writ Appeal stand dismissed.

THOTTATHIL B. RADHAKRISHNAN, CJ

V. RAMASUBRAMANIAN, J

August 7, 2018.
PV