

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED :10.06.2019  
CORAM  
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.36236 of 2005  
and  
WPMP.No.42115 of 2005

Central Bank of India,  
Kalapatti Branch,  
Coimbatore.

..Petitioner

vs

1. Special Tahsildar  
(Land Acquisition)  
Unit II,  
Mahendra Industrial Park Scheme,  
Melamayur,  
Chengalpattu District.

2. M/s. Mahindra World City Developers Ltd.,  
Having its Registered Office at  
Arjay apex Centre,  
No.24, College Road,  
Chennai- 600 006.

R2 Impleaded as per order of Court  
dated 21.03.2006 and made in WPMP.No.42115 of 2005

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of a writ to direct the respondent to make a reference under section 18 of Land Acquisition Act 1894 for determination of reasonable compensation by appropriate court, payable to the petitioner, the person interested in the compensation, pertaining to the award No.1/2000 dated 30.12.2000 after furnishing the copy of the award to the petitioner.

For Petitioner : Mr. T.N.Hariharan  
For Respondents : Mr. N. Elumalai,  
Government Advocate for R1  
Mr. R. Bharat kumar for R2

## O R D E R

The petitioner, Central Bank of India, Kalapatti Branch, Coimbatore is a secured creditor, having sanctioned a term loan facility to the tune of Rs.1,00,00,000/- to M/s. Blossom Biotech Ltd. Harshavardhan, Director of M/s. Blossom Biotech Ltd, deposited his lands in Patta No., 249, Veeranam Village Chengalpet Taluk, Kanchipuram District with the petitioners Bank. These lands were decided to be acquired and accordingly section 4(1) notification was issued in the name of Harshavardhan. Thereafter section 5 (A) enquiry was conducted and the said Harshavardhan did not appear for the enquiry. However, on his behalf one Gayathri had sent a letter to the respondent to the effect that Harshavardhan is one among the directors of M/s. Blossom Biotech Ltd, up to 20.01.2000 and in the capacity as the Director of Alwarpet Benefit Fund Limited, he was under police custody.

2. Though, there was a dispute with regard to the property in between the directors and a criminal case was also filed in between them. Harshavardhan sent a letter objecting acquisition proceedings, and the same was overruled. Then, Section 6 declaration was published on 18.9.2000. Thereafter the said Harshavardhan filed writ petition before this Court in W.P.Nos.13247 and 13248 of 2001 challenging the Notification of Declaration. However, the said writ petitions were dismissed on 04.06.2002. Subsequently, he filed writ appeal in W.A.No.2018 of 2002. After obtaining leave, the petitioner Bank also filed W.A.No.2883 of 2002 to safeguard the interest of the bank. Thereafter, the said writ appeal was dismissed on 16.06.2005 and the land acquisition proceedings became final. Thereafter, the present writ petition is filed.

3. The petitioner is the mortgagee of the property acquired. The mortgage is in favour of the petitioner. The petitioner as the first charge holder, is the person entrusted and has right to claim compensation for the lands acquired and seek enhancement of compensation under Section 18 of the Act and subsequently made several representations for compensation. Since the respondent did not refer the matter under Section 18 of the Act, the present Writ Petition is filed.

4. Learned counsel appearing for the petitioner submitted that it is the admitted case of the respondent that the Award was passed on 1.3.2001 and the same was accepted in the counter affidavit. Immediately after the

pronouncement of the award, the secured creditor namely the petitioner has sent a letter on 17.7.2001 for referring the matter under section 18 of the Act, which is well within a period of six (6) months and therefore the duty is cast upon the respondent to refer the matter to the Civil Court for determination of the proper compensation and further the dates mentioned in the counter affidavit were not disputed by the learned counsel for the respondent.

5. In view of the above, I am inclined to direct the Land Acquisition Officer namely Special Tahsildhar, Land Acquisition Unit II to refer the matter to the Civil Court for determining proper compensation within a period of four (4) weeks from the date of receipt of a copy of this order. After such reference, the trial Court has to decide the matter as expeditiously as possible. Considering the fact that the acquisition proceedings are pending for the last around 20 years. The Writ petition is allowed on the above terms. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Special Tahsildar  
(Land Acquisition)  
Unit II,  
Mahendra Industrial Park Scheme,  
Melamayur,  
Chengalpattu District.

+1 cc to Govenment Pleader Sr.No. 47566

+1cc to MR T.N.Hariharan, Advocate SR.No. 47400

+1cc to Mr.R. Bharat kumar , Advocate SR.No. 46683

+1cc to Mr. T.Rajaraman, Advocate SR.No. 46638

W.P.No.36236 of 2005  
and

WPMP.No.42115 of 2005

rsi (CO)  
A.SK(30/07/2019)