

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 6418 of 2011

and

M.P. 1 of 2011

1. O. Abdul Wahab

2. O. Mohammed Akber

Both are represented by
their Power of Attorney Agent

Mr.Abdul Kadir.

.... Petitioners

Vs

1. The District Revenue Officer,
Thiruvarur District,
Thiruvarur.

2. The General Manager,
Southern Railways,
Chennai-600 003.

3. The Divisional Manager,
Southern Railway,
Tiruchirappalli.

4. The Deputy Chief Engineer,
Broad-gauge Construction II,
Southern Railway,
Tiruchirappalli Division,
Tiruchirappalli.

5. Mr.Jahangeer Basha,
S/o. Allah Baksh,
No.73/E, Pookollai Road,
Mannargudi,
Thiruvarur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioners' representation dated 24.01.2011 and issue proper notice to the

petitioners for conducting a private negotiation for acquiring land belongs to the petitioners.

For Petitioners : Ms.P.T.Ramadevi

For Respondents : Mr.M.Elumalai,
Government Advocate
for R1

Mr.P.T.Ramkumar,
Standing Counsel for Railways
for R2 to R4

Mr.B.Narayana Gopalan for R5

O R D E R

This Writ Petition has been filed seeking a direction directing the respondents 1 to 4 to consider the petitioners' representation dated 24.01.2011 and issue proper notice to the petitioners for conducting a private negotiation for acquiring the land belongs to the petitioners.

2. Today, when the matter was taken up for hearing, Ms.P.T.Ramadevi, learned counsel appearing for the petitioner would submit that it would be sufficient to issue a suitable direction to the respondents 1 to 4 to consider the petitioners representation dated 24.01.2011 and to pass appropriate orders.

3. Mr.M.Elumalai, learned Government Advocate appearing for the State would submit that though the petitioners have filed a Writ Petition praying for a Writ of Mandamus seeking a direction to consider their representation, however, the fact remains that by issuing proper notification as well as a declaration under the Tamil Nadu Land Acquisition Act (hereinafter called as 'Act'), the petitioners land was acquired and the award was also passed. In so far as the compensation is concerned, they are going to deposit the amount before the competent Civil Court. The learned Government Advocate would also submit that if at all, the petitioners are aggrieved by the compensation, they can file an application under Sec.18 of the Act for enhancement of compensation. However, there was a title dispute between the parties pending before the competent Civil Court and in view of the dispute in title, under Sec.31 of the Act, the competent Land Acquisition Officer has to refer the matter before the competent Civil Court to resolve the dispute. In the present case, already, the civil suit is pending before the Lower Court. Hence, the prayer sought by the petitioners cannot be complied with.

4. On considering the facts and circumstances of the case, though the said land is acquired by the Land Acquisition Officer by invoking urgency clause, the respondents 1 to 4 have agreed to deposit the amount before the competent civil court. After disposal of the civil suit in respect of title dispute, the petitioners have to file an application for disbursal of the amount, however, if they are aggrieved by the compensation, the petitioners have to file an appropriate application for enhancement of compensation under Sec.18 of the Act. If any such application is filed, the Land Acquisition Officer has to consider and pass appropriate orders.

5. In view of the above observation, the present Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is also closed.

rpp

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Revenue Officer,
Thiruvavarur District, Thiruvavarur.
2. The General Manager,
Southern Railways, Chennai-600 003.
3. The Divisional Manager,
Southern Railway, Tiruchirappalli.
4. The Deputy Chief Engineer,
Broad-gauge Construction II,
Southern Railway,
Tiruchirappalli Division,
Tiruchirappalli.

+1cc to Mr.P.T.Ramadevi, Advocate, SR.No.74697
+1cc to Mr.P.T.Ram Kumar, Advocate, SR.No73040
+1cc to the Govt.Pleader, Advocate, SR.No.74060

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Kak(11/10/2019)