

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.NO.8747 OF 2012

1. Vennila
2. Uma
3. Kumar
4. Vanithamani
5. Sathyavathi

..... Petitioners

-vs-

1. The District Collector,
Krishnagiri District
2. The Special Tahsildar (LA),
Sipcot, Hosur Taluk,
Krishnagiri District

.... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the second respondent to refer the Award No.4 of 2007 to the Reference Court, Hosur for determining the value of the property in Survey No.131/1 in Moranapalli Village, Krishnagiri District.

For Petitioner : Mr.V.Lakshminarayanan

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

This Writ Petition is filed by the petitioner seeking for issuance of a Writ of Mandamus directing the second respondent to refer the Award No.4 of 2007 to the Reference Court, Hosur for determining the value of the property in Survey No.131/1 in Moranapalli Village, Krishnagiri District.

2. Learned counsel appearing for both the parties fairly submitted that the issue involved in the present writ petition is squarely covered by the Order passed by this Court in WP

No.7213 of 2011 dated 19.08.2019 (S. Parithimaan vs The District Collector, Krishnagiri and another). The relevant paragraphs of the Order are extracted hereunder:

" 3. The learned counsel appearing for the petitioner would submit that in a similar case, in the very same Survey number another land owner approached this Court by filing writ petition in W.P.Nos.3422 to 3426 of 2010 and this Court by order dated 25.03.2010 disposed of the writ petitions by directing the Collector to refer the matter to the Reference Court within eight weeks from the date of receipt of a copy of that order. He would further submit that as per the direction of this Court, the respondent therein referred the matter before the competent Civil Court and the Civil Court entertained the reference and assigned L.A.O.P Nos.4 to 6 of 2010. 4. In such view of the matter, the second respondent is directed to refer the matter to the competent Civil Court within a period of eight weeks from the date of receipt of a copy of this Order. After such reference, the competent Civil Court is directed to assign L.A.O.P Number and is further directed to hear the said L.A.O.P along with the connected LAOPs if pending before the Court."

3. In the present case, the question is whether reference, to be made by the second respondent to the Reference Court, is barred by Limitation.

4. In the present case, since, the respondents have not given copy of the Award and copy of the Notice, it goes without saying that they have not followed under Section 12(2) of Tamil Nadu Land Acquisition Act, 1894. Therefore, reference for enhancement is not barred by limitation.

5. Mr.P.Murugesan, Special Tahsildar, Hosur/second respondent herein, is present before this Court today. The second respondent is directed to refer the matter to the competent Civil Court/Reference Court for enhancement of compensation within a period of four weeks from the date of receipt of a copy of this Order.

6. The Writ Petition is disposed of on the above terms. No

costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sr

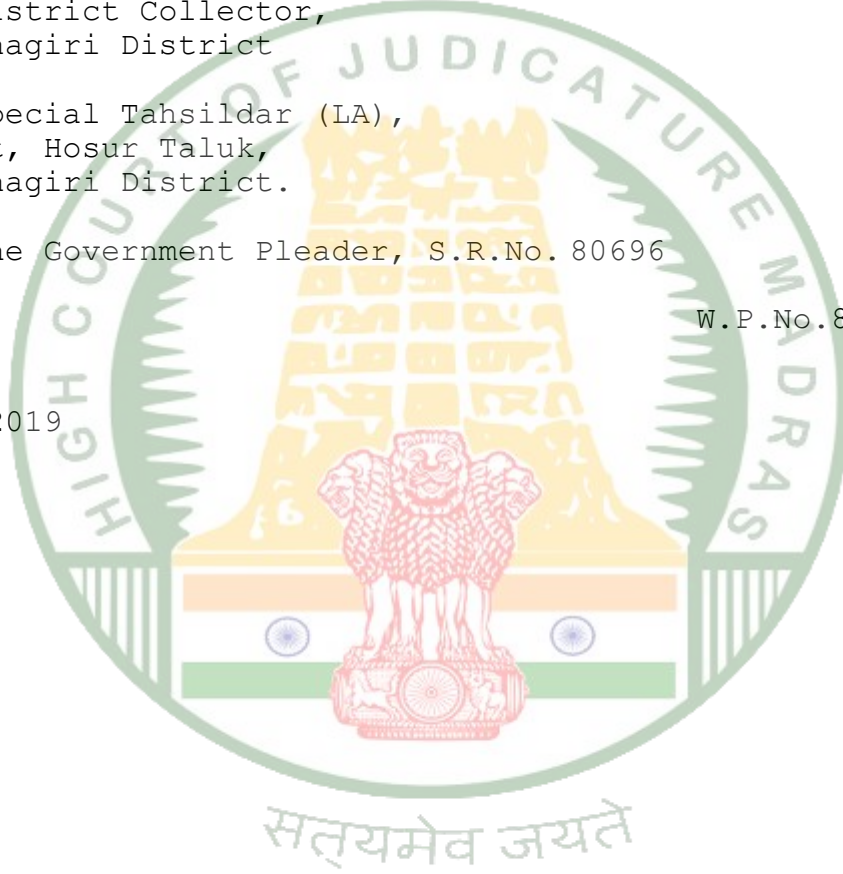
To

1. The District Collector,
Krishnagiri District
2. The Special Tahsildar (LA),
Sipcot, Hosur Taluk,
Krishnagiri District.

+1cc to the Government Pleader, S.R.No. 80696

W.P.No.8747 of 2012

PPA (CO)
CS/30/10/2019



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