

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2019

CORAM:

THE HON'BLE MR. JUSTICE M.GOVINDARAJ**C.R.P.(PD) No. 2046 of 2019**

M.A.Karmathulla

... Petitioner

Vs.

1. The State of Tamil Nadu – represented
by its District Collector,
Vellore District,
Vellore and District.

2. The Special Tahsildar,
Adi-Dravidar Welfare Department,
Gudiyattam- 632 602,
Vellore District.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair order and decreetal order made in I.A.No.186 of 2017 in I.A.No.62 of 2015 in L.A.A.No. Nil on the file of the Special Subordinate Judge for LAOP cases, Vellore, Vellore District dated 08.02.2018.

For Petitioner : Mr.K.A.Ravindran

For Respondents : No appearance

ORDER

The second respondent acquired lands of the petitioner herein for the purpose of providing free house site patta to Hindu Adi Dravida Community through his proceedings No.Rc.A.1467 / 76 and in consequence, thereof, an award was passed on 24.3.1982 granting

compensation, a sum of Rs.17,667/-. The petitioner received the same and requested the Referring Officer to refer the award for enhancement under Section 18 of Land Acquisition Act. Despite the repeated requests, the award copy was not furnished to him. Hence he filed an appeal as *informa pauperis* for enhancement after 22 years. Since there was delay of 22 years, he filed an application vide I.A.No.121 of 2013 to condone the delay of 22 years in filing the appeal.

2. The respondents denied the averments and contended that the delay cannot be condoned. During the pendency of the petition to condone the delay, another application to adduce oral evidence came to be filed in I.A.No.186 of 2017. The trial court has dismissed the petition for want of sufficient reasons for condoning the delay. Aggrieved over the same, the present Revision came to be filed.

3. Heard both sides.

4. Admittedly, the land acquisition proceedings were initiated in the year 1976 and culminated in an award on 24.3.1982. The petitioner has received the compensation amount during October 2000.

5. As per Section 18 of Land Acquisition Act, the petitioner should

have sought for reference within a period of six months from the date of award. Even assuming that the petitioner received the award, only in October 2000, he should have filed an application for reference within February 2001, but he has preferred the appeal only in the year 2004. Reason stated for not filing appeal was that he was requesting the officer to refer the matter for the past 22 years and that he was not furnished with Award Copy.

6. The reasons stated by the petitioner are very vague and insufficient. As per Section 12, the Award shall be filed in the Collector's Office under immediate notice to the parties. Request for reference shall be made within six months. The request can be made even without the Award. Having failed to pursue this remedy within the statutory period, the petitioner is not entitled to file an appeal at this distance of time. Delay of 22 years without assigning valid reason, by no stretch of imagination could be condoned, as much water has flown under the bridge. We do not find any bonafide in the claim of the petitioner. Curiously, the petitioner filed the above petition as an indigent person after having received the award amount shows that he wants to play safe without burning his fingers.

7. The trial court has elaborately discussed the points and arrived

M. GOVINDARAJ,J.

msr

at a right decision. A person approaching the Court after two decades to redress his grievances is not entitled to any leniency. I do not find any merit in the contentions raised by the petitioner. This Civil Revision Petition deserves dismissal and accordingly dismissed. No costs.

27.06.2019

Speaking Order/Non Speaking Order

Index : Yes/No

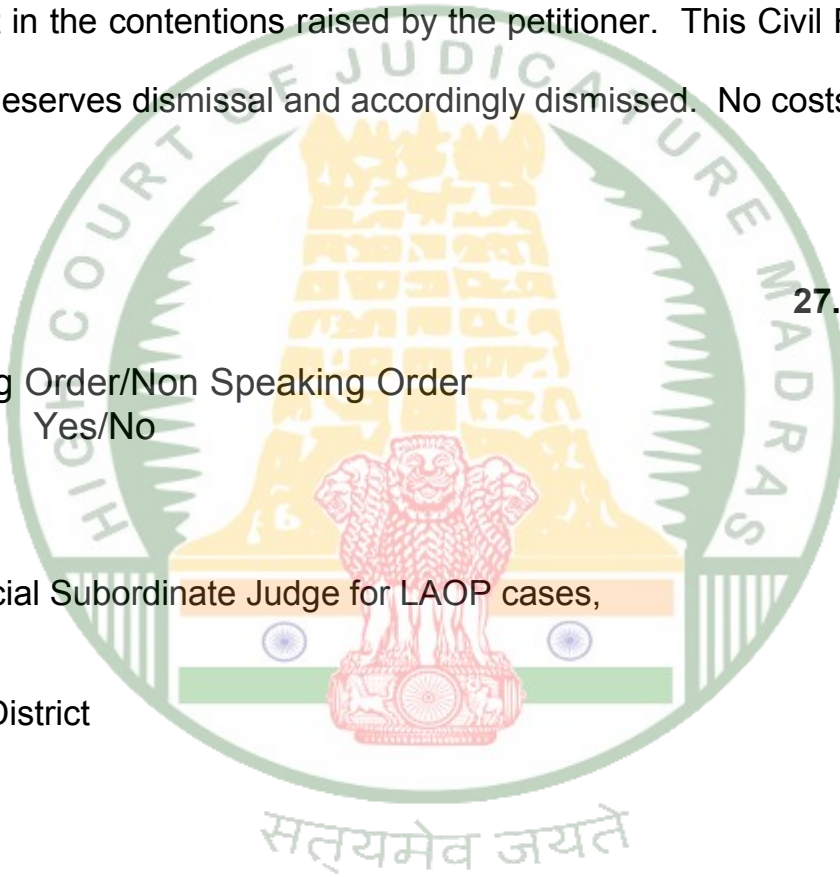
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To

The Special Subordinate Judge for LAOP cases,

Vellore,

Vellore District



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