

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.24295 of 2019

G.Gajendran

.. Petitioner

/versus/

1.The Member Secretary C.M.D.A.,
Thalamuthu Natarajan Maligai,
Egmore, Chennai-600 008.

2.The Land Acquisition Officer and
Special Thasildhar (L.A.) Unit-6,
O.R.R Project Phase II, C.M.D.A.
Koyambedu, Chennai-600 092.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned order dated 02.11.2016 made in Na.Ka.No.14/002 AA1/unit-6 on the file of the 2nd respondent to quash the same and consequently directed the 2nd respondent to make reference under Section 18 of the Land Acquisition Act to the Jurisdiction Civil Court.

For petitioner : Mr.V.Perumal

For Respondents : Mr.S.Thiruvengadam for R1

Mr.D.Raja

Addl.Govt.Pleader for R2

O R D E R

Heard the learned counsel for the petitioner, the learned counsel appearing for the 1st respondent and the learned Additional Government Pleader appearing for the 2nd respondent.

2. The land was acquired pursuant to the acquisition proceedings dated 04.04.2003. The petitioner participated in the award enquiry and award was also passed on 21.00.2005.

3. The contention of the petitioner is that he made a

representation for enhancement of compensation on 21.09.2016 and the same was dismissed by the respondent stating that any reference for enhancement of compensation ought to have been made within six months of the award or six weeks from the date of receipt of the award.

4. Since the petitioner request for reference is beyond the time prescribed, the request of the petitioner was rejected vide communication dated 02.11.2016 and the said communication is impugned in the writ petition. The plea of the petitioner on the face of it suffers laches. The impugned order dated 02.11.2016 is challenged on 09.08.2019. More particularly, when the order impugned itself was passed on the ground of limitation. The petitioner herein should have at least approached this Court in time. Further, the petitioner who participated in the award enquiry has no valid reasonable cause to condone the delay in seeking reference by filing this writ petition so belatedly.

5. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Member Secretary C.M.D.A.,
Thalamuthu Natarajan Maligai,
Egmore, Chennai-600 008.

2.The Land Acquisition Officer and
Special Thasildhar (L.A.) Unit-6,
O.R.R Project Phase II, C.M.D.A.
Koyambedu, Chennai-600 092.

+lcc to Mr.S.Thiruvengadam, Advocate SR.77019

+lcc to the Government Pleader SR.76892

W.P.No.24295 of 2019

RR(CO)

CB(23/10/2019)