

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 26.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN
WA.No.615/2021

Selvam

.. Appellant

Versus

The Land Acquisition Officer/
Revenue Divisional Officer,
Office of the RDO/Sub Collector
Tirupattur 635 601
Vellore District.

... Respondent

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in WP.No.7497 of 2018 dated 16.03.2020.

Prayer in WP.No.7497 of 2018:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Mandamus directing the respondent to refer the matter to the Competent Civil Court namely Special Sub Court (Land Acquisition Tribunal) Vellore for the determination of the Compensation under Section 18 of the Land Acquisition Act 1894 in so far as the acquired land of the petitioners family property in Survey No.91/7 to an extent of 0.67.0 Hectors and Survey No.91/5 to an extent of 0.41.5 Hectors situated in Sundarampalli Village Vellore District is concerned based on the petitioners representation dated 27.01.2018.

For Appellant : Mr.P.S.Kothandam

For Respondent : Mr.E.Manoharan
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by M.SATHYANARAYANAN, J.
through Video Conferencing]

(1)By consent, the writ appeal is taken up for final disposal and is disposed of by this judgment.

(2)Mr.E.Manoharan, learned Special Government Pleader accepts notice on behalf of the respondent.

(3)The writ petitioner is the appellant herein and he filed WP.No.7497/2016, praying for issuance of a writ of mandamus

directing the respondents to refer the matter to competent Civil Court, viz., Special Sub Court [Land Acquisition Tribunal], Vellore, for determination of the compensation under section 18 of the Land Acquisition Act, 1894 insofar as the acquired land in S.No.91/7 admeasuring to an extent of 0.67.0 Hectares and S.No.91/15 admeasuring to an extent of 0.41.5 Hectares situate at Sundarampalli Village, Vellore District based on the representation dated 27.01.2018.

(4) The writ petition came to be dismissed vide impugned order dated 16.03.2020 and aggrieved by the same, the present writ appeal is filed by the appellant/writ petitioner.

(5) A perusal of the impugned order would read among other things that the Land Acquisition Award came to be passed as early as on 05.09.1988 and the father of the appellant/petitioner, while he was alive, did not sought for any reference and he died on 31.10.1993 and thereafter, the appellant/petitioner, by invoking the provisions of the RTI Act, sought necessary information and got the copy of the Award and the petitioner, having found that the compensation is less, has sought for reference and since the said representation has not been considered and disposed of, he filed the writ petition and the learned Judge, has taken note of the provisions of Section 18 of the Act, which provides for written application within six weeks from the date of receipt of the Award, failing which, the claim would be barred by limitation. However, the father of the petitioner/appellant, while he was alive, did not sought for any reference and even by invoking Section 28-A of the Land Acquisition Act, 1894 also, the claim of the appellant/petitioner is barred. The learned Judge having found that the claim is hopelessly barred by limitation, has dismissed the writ petition.

(6) The learned counsel for the appellant/writ petitioner would submit that in the light of the fact that the other land owners, whose lands were acquired in the same Notification, had the benefit of the enhanced Award, prays for appropriate orders.

(7) Per contra, Mr.E.Manoharan, learned Special Government Pleader appearing for the respondent would submit that since the claim of the appellant/writ petitioner is hopelessly barred by limitation and that, he is also guilty of laches and interference may not be warranted by this Court, in exercise of its Appellate jurisdiction under Clause 15 of the Letters Patent and hence, prays for dismissal of this writ appeal.

(8) This Court has considered the rival submissions and also perused the materials placed before it.

(9) The Award came to be passed as early as on 05.09.1988 while the father of the petitioner was alive and till his demise on 31.10.1993, he did not made an attempt to seek reference in the light of the inbuilt limitation contained in Section 18[1] of the Land Acquisition Act, 1894. This Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot extend the said period of

limitation. The learned Judge has also found that the appellant/writ petitioner also cannot invoke Section 28-A of the said Act, as it provides for filing of application within three months from the date on which the Award has been passed. In the considered opinion of the Court, the learned Judge has taken note of the factual aspect as well as the legal position and rightly reached the conclusion to dismiss the writ petition.

(10) This Court, on an independent application of mind to the entire materials, is of the considered view that there is no error apparent or infirmity in the reasons assigned by the learned Judge in dismissing the writ petition and finds no merits in the writ appeal.

(11) In the result, the writ appeal is dismissed, confirming the order dated 16.03.2020 made in WP.No.7497/2018. No costs.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

AP

To

The Land Acquisition Officer/
Revenue Divisional Officer,
Office of the RDO/Sub Collector
Tirupattur 635 601
Vellore District.

+lcc to Mr.P.S.Kothandaram, Advocate SR.No. 11734

WA.No.615/2021

A.SK(18.03.2021)

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