



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.6873 of 2021

and

W.M.P. No. 7423 of 2021

Chitra,
W/o.Sivananthan

... Petitioner

Vs.

1. The District Collector,
District Collectorate Office,
Kallakurichi.
2. The Sub-Collector,
Sub-Collector Office,
Kallakurichi,
Kallakurichi Dt.
3. The Special Tahsildar,
Land Acquisition Office,
Revenue Tahsildar Office Compound,
Southern Railway,
Kallakurichi Dt.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for the records of the impugned award No.04/2020 dated .09.2020 in Na.Ka.Aa1/2674/2019 passed by the 1st respondent and quash the same in so far as the finding that "the petitioner is not entitled for the compensation" and consequently direct the 1st respondent to grant compensation amount to the petitioner for the lands acquired in Survey Nos.5/2B2, 5/2C2 and 5/2D1 measuring 0.52 acres (0.21.5 hectares) in Vinaitheerthapuram Village, Kallakurichi Taluk, Kallakurichi District within the time stipulated by this Hon'ble Court.

For Petitioner :Mr.R.Bharath Kumar

For Respondents :Mr.K.M.D.Muhilan,
Government Advocate



O R D E R

(The case has been heard through video conference)

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The Writ Petition has been filed challenging the order passed by the 1st respondent and quash the same and consequently direct the 1st respondent to grant compensation amount to the petitioner.

2. The grievance of the petitioner is that, the petitioner is the owner of the property in Survey Nos.5/2A, 5/2B, 5/2C, 5/2D and 5/2E situate at Vinaitheerthapuram Village, Kallakurichi Taluk admeasuring an extent of 3.59 acres. Earlier, the land was acquired by the 1st respondent under the Tamil Nadu Acquisition of Land for Industrial Purposes Act (hereinafter called as 'Act') for laying a railway track, and the award was also passed. Subsequently, as there is a title dispute between the parties, the acquisition officer has referred the matter to the civil court under Section 9 of the Act. Now, challenging the same, the present Writ Petition has been filed.

3. Mr.R.Bharath Kumar, learned counsel appearing for petitioner would submit that, the petitioner is the owner of the property, she has approached the civil court and obtained a declaration in her favour. However, without considering the same, the acquisition officer has come to a conclusion that, there is a civil dispute between parties and no patta was granted in her favour and she is not in possession of the property. There is a valid decree in her favour regarding her title, that was not considered by the acquisition officer, and the 1st respondent mechanically referred the matter under Sec.9 of the Act, to the civil court.

4. However, Mr.K.M.D.Muhilan, learned Government Advocate appearing for respondents would submit that, there is a rival claim regarding title over the property and some proceedings are pending before the civil court. In the said circumstances, the 1st respondent acquisition officer cannot decide the apportionment. Hence, the 1st respondent had referred the matter under Sec.9 of the Act to the civil court. If at all, the petitioner has any grievance, he can approach the civil court and he can raise his objections and he cannot maintain a Writ Petition.

5. Heard rival submissions made by learned counsel appearing for petitioner as well as learned Government Advocate and perused the records.



6. As rightly contended by the learned Government Advocate, as there is title dispute between the petitioner and other group, a civil suit and appeal seems to be pending before the civil courts. In the said circumstances, the acquisition officer was not able to decide the title over the property, and the same is referred under Sec.9 of the Act to the civil court. Considering the facts and circumstances, I find no illegality in the order passed by the 1st respondent acquisition officer referring the matter to the civil court. If at all, the petitioner has any documents to establish her title, it is always open to her to approach the reference court to establish her title, and it is for the reference court to consider all those documents and pass suitable orders. With the above direction, this Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
District Collectorate Office,
Kallakurichi.
2. The Sub-Collector,
Sub-Collector Office,
Kallakurichi,
Kallakurichi District.
3. The Special Tahsildar,
Land Acquisition Office,
Revenue Tahsildar Office Compound,
Southern Railway,
Kallakurichi District.

+1cc to the Government Pleader Sr.33542
+1cc to Mr.R.Bharathkumar, Advocate Sr.33204

W.P.No.6873 of 2021

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srg 18/08/2021