

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.22422 of 2011

Shanthi
W/o.Karunanidhi

... Petitioner

Vs.

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Special Thasildar,
Land Acquisition, Miruganda Nathi Dam Scheme Project,
Polur, Thiruvannamalai District.

3.The Revenue District Officer,
Thiruvannamalai,
Thiruvannamalai District.

... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.A1/4827/2011 dated 21.07.2011 on the file of the third respondent and quash the same consequently to direct the second respondent to make reference under Section 30 and 18 under the land Acquisition Act and grant such other relief under the circumstance of the case.

For Petitioner : M/s.Sundari

For Respondents: Mr.Akhil Akbar Ali
Government Advocate

ORDER

The writ petition has been filed for issuing a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.A1/4827/2011 dated 21.07.2011 and quash the same consequently to direct the second respondent to make reference under Section 30 and 18 under the land Acquisition Act.

2.By the impugned order, the third respondent has informed the petitioner that the compensation amount of the land acquired has been deposited in the treasury account.

3.The case of the petitioner is that the petitioner is the owner of the land in Survey No. 501 measuring an extent of 0.96.0 hectares equivalent to 2.37 acres. The state acquired the said land for the purpose of construction of Mirugandanathi Dam Scheme and the case of the petitioner is that no compensation was determined or paid to the petitioner for the land. Though award was passed in award No.1 of 2004, the amount was kept in revenue deposits.

4.It appears that the compensation was refused by the petitioner not on the ground that there is dispute regarding ownership of the petitioner but on the ground that the land was assigned in favour of the petitioner and that there is violation of condition of assignment. It is also stated that the assignment was never cancelled. The petitioner filed an application seeking reference under Sections 18 and 30 of the land acquisition Act. Hence the petitioner filed a writ petition earlier in W.P.No.14859 of 2009 for a Mandamus directing the second respondent herein to make a reference and the writ petition was allowed by order dated 25.08.2009.

5.Regarding the dates and events and the reference sought for under Section 18 of the Land Acquisition Act, there is no dispute however by the impugned order, a petition filed by petitioner was disposed of by informing the petitioner that compensation amount is kept in revenue deposit as conditions of assignment is violated.

6. The petitioner is seeking reference under Section 18 on the basis of earlier order of this Court. This Court need not go into the validity of the order as the second respondent admits. In the counter affidavit, it is stated that reference under Section 18 of the Act was handed over with all enclosures in the Sub Court on 08.12.2009 for filing. The facts stated are misleading. No record is produced to show that reference is pending before Sub Court, Arni. No LAOP number is given. The second respondent namely the Land Acquisition Officer is directed to make a fresh reference under Section 18 of the Land Acquisition Act in respect of the lands of the petitioner pursuant to the award made in award No.1 of 2004 dated 30.06.2004 before the Civil Court within a period of six weeks from the date of receipt of copy of this order.

With the above directions, this Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

tta

Copy to

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Special Thasildar,
Land Acquisition, Miruganda Nathi Dam Scheme Project,
Polur, Thiruvannamalai District.
- 3.The Revenue District Officer,
Thiruvannamalai,
Thiruvannamalai District.

+1cc to the Government Pleader Sr.1464
+1cc Mr.Jayaprakash, Advocate Sr.2367

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सत्यमेव जयते

ppa[co]
srg 12/07/2021

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