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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.14496 of 2020

T.R.Damodaran

... Petitioner

Vs.

1.The District Collector,
Collectorate, Ranipet,
Ranipet District - 632 009.

2.The Special Tahsildar,
(Land Acquisition),
Most Backward Welfare Section,
Collectorate, Ranipet District - 632 009. ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the respondents to consider and dispose of the representation of the petitioner dated 09.09.2020 to the respondents.

For Petitioner : Mr.S.Satish

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

The petitioner has filed a mandamus to direct the respondents to consider and dispose of the representation of the petitioner dated 09.09.2020.

2.The case of the petitioner is that he had a small piece of land comprised in Survey Nos.870/4B, 870/3, 871/1B, 871/2, 872 and 873/1B totally measuring an extent of 1.44.0 hectares (3.55 acres) situated at Thimiri Village which was owned by the petitioner and his brother in equal share, the same was acquired



by the Government of Tamil Nadu for the purpose of distributing house plots for the Most Backward class people of Thimiri Village, Arcot Taluk under the Award dated 27.01.1998.

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3. According to the petitioner, after filing this writ petition, the Government determined a sum of Rs.4,27,212/- as compensation for the aforesaid lands. Hence, the petitioner has requested the Referring Officer to make reference under Section 18 of the Land Acquisition Act to determine the compensation by the Court. The petitioner submits that as per his request, the Referring Officer, referred the matter to the Court and the petition was taken on file on 09.04.1999 by the Sub Court, Ranipet in LAOP.No.9 of 1999 then transferred to various Courts and finally transferred to the Special Subordinate Judge for LAOP Cases Vellore, Vellore District and as per the order of the learned Principal District Judge, Vellore dated 25.02.2013, the case was renumbered as LAOP No.86 of 2013 and the same was decreed on 18.06.2019 after a long period of 20 years for fixing enhancement compensation of Rs.30,66,079/- with 9% interest for one year from the date of Award of Referring Officer and thereafter at the rate of 15% interest till the date of deposit of the enhanced amount in the Court.

4. The petitioner further submits that no appeal has been filed by the respondents and hence the judgment and decree dated 18.06.2019 has become final.

5. The petitioner has no other alternate remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

6. The learned Government Advocate for the respondents has filed counter of the first respondent/ the District Collector, Ranipet, wherein it was stated in paragraph No.18 "that the Government Order in G.O.(MS) No.469 Revenue [L.A.I(1)] Dept. dated 22.11.2013 had ordered that the Land Acquisition Officer shall file appeal automatically without any instruction from Higher Authorities of the enhanced compensation ordered by the Court exceeds three times of the award passed by the L.A.O or the amount awarded by the Court exceeds Rs.7 lakhs." He further submits that the respondents were directed to deposit the entire amount on or before 16.07.2021 otherwise the first respondent /the District Collector was directed to appear before this Court



through Video Conferencing on 19.07.2021. On 19.07.2021, the District Collector, Ranipet appeared before this Court through Video Conferencing stating they have filed an appeal before this Court with condone delay petition as against the award passed by the reference Court and sought time, the matter was adjourned to 31.08.2021.

7. On going through the averments, it is seen that a letter dated 27.08.2021 addressed to the Special Tahsildar, Land Acquisition Officer, Adi Dravidar Welfare, Walajah, Ranipet District stating that the appeal suit in C.M.P.No.12096 of 2021 in ASSR.No.60084 of 2021 has been listed before the Hon'ble Mr. Justice K. Kalyanasundaram through Video Conferencing on 05.08.2021 and the Hon'ble Court ordered notice to be served on the respondent and returnable by 27.08.2021.

8. In view of the above, this Court is of the view that the writ petition cannot be considered since there is an appeal already filed by the authorities and the petitioner has to workout the remedy before the appropriate Court.

9. With the above observations, the writ petition is closed. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Collectorate, Ranipet,
Ranipet District - 632 009.

2. The Special Tahsildar,
(Land Acquisition),
Most Backward Welfare Section,
Collectorate, Ranipet District - 632 009.

+1cc to the Government Pleader, S.R.No.44241

W.P.No.14496 of 2020

SJ(CO)

SB(05/10/2021)