



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.31712 of 2014

1. S.N. Nandha Kumar
2. S.N. Srinivasan

...Petitioners

-Vs-

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Coimbatore.
2. The District Collector,
Collectorate Compound,
Hosur Road, Coimbatore-641018.
3. The Senior Superintendant of Post Offices,
R.S.Puram,
Coimbatore-641002.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd Respondent to make a reference under Section 30 of the Land Acquisition Act, to the Civil Court and direct the respondents to deposit the award amount as per Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2003 along with interest at the rate of 18%, as penal interest for the Award amount of Rs.6,41,297/- from the date of the Award till the date of the reference under Section 30 of the Act.

For Petitioners : Ms.P.Veena Suresh

For Respondents

For R1 to R2 : Mr M.R.Gokul Krishnan
Government Advocate.

For R3 : Mr R.Rajesh Vivekananthan
Senior Panel Counsel

ORDER

The Writ Petition has been filed to direct the second respondent to make a reference under Section 30 of the Land Acquisition Act, to the Civil Court and direct the respondents



to deposit the award amount as per Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2003 along with interest at the rate of 18%, as penal interest for the Award amount of Rs.6,41,297/- from the date of the Award till the date of the reference under Section 30 of the Act.

2. Heard Ms.P.Veena Suresh, learned counsel appearing for the petitioners, Mr M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents 1 to 2 and Mr R.Rajesh Vivekananthan, Senior Panel Counsel appearing for the third respondent.

3. The case of the petitioner is that originally they are the partners of a firm viz., Narayanarao & Brothers and they owned property situated at Ward No.8, Block 31, T.S.No.1176/7R. The said property was acquired by the respondents. The petitioners have already challenged the acquisition proceedings by way of Writ Petition in W.P.No.4322 of 1989 before this Court and they failed. However, they sent a letter for reference under Sections 18 & 30 of the Land Acquisition Act to the second respondent on 01.02.1989. Infact, they have also appeared for enquiry as contemplated under Section 12(1) of the Act and they stated that they are entitled to have 2/3rd share in the compensation as per the preliminary decree dated 14.12.1987 in O.S.No.670 of 1986, on the file of Principal Sub-Court, Coimbatore. However, the said letter was not considered and the award amount has been kept in Revenue Deposit.

4. The petitioners were also unaware of the rejection of the Section 18 reference of the Act, by the respondents. Therefore, they sent a representation to the respondents to release the award amount to the petitioners. They also requested to give compensation amount as per the Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2003.

5. On perusal of the counter filed by the third respondent viz., The Senior Superintendent of Post Office, revealed that, the award amount had already been deposited in the office of the third respondent on 12.01.1989 vide Cheque No.M037917. Therefore, the third respondent is not liable to pay any enhanced compensation as claimed by the petitioners.

6. Considering the above facts and circumstances, the petitioners are directed to file a fresh representation to the respondents 1 & 2 within a period of two weeks from the date of receipt of a copy of this Order. On such representation, the respondents 1 and 2 are directed to consider the same and pass



order on merits and in accordance with law within a period of twelve weeks, thereafter.

7. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rts/mn

To

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Coimbatore.
2. The District Collector,
Collectorate Compound,
Hosur Road, Coimbatore-641018.
3. The Senior Superintendent of Post Offices,
R.S.Puram,
Coimbatore-641002.

+1cc to Ms.P.Veena Suresh, Advocate, S.R.No.43892
+1cc to Mr.R.Rajesh Vivekananthan, Advocate, S.R.No.43976
+1cc to the Government Pleader, S.R.No.44290

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NSK 17/09/2021