

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.19690 of 2020

P.Subramanian

...Petitioner

-Vs-

1.The District Collector,
Erode District, Erode.

2.The District Collector,
Tiruppur District, Tiruppur.

3.The Revenue Divisional Officer,
Dharapuram, Tiruppur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider and pass orders on merits by disposing the written representation made by the petitioner on 13.02.2018 within stipulated time as this Hon'ble Court fixes.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.D.Raja

Additional Government Pleader

ORDER

For the Award passed in 1989, in which the Land Acquisition Authority has referred the matter to the concerned civil Court under Section 30 of the Land Acquisition Act, 1984 as there were some dispute regarding apportioning of the compensation as determined by the Land Acquisition Authority, the petitioner has come forward with the representation dated 13.02.2018 for a reference under Section 18 of the Land Acquisition Act, 1984.

2.When the matter came up before this Court on 16.02.2021, this Court required the learned Additional Government Pleader to ascertain whether a notice under Section 12(2) of the Land Acquisition Act was served on the petitioner.

3.It has now come to light that the matter was pending before the Sub Court, Dharapuram in LAOP.No.28 of 1989 to resolve the dispute under Section 30 of the said Act.

4.With or without Section 12(2) notice, when the representation was made, it ought to be understood the petitioner knew about the passing of the Award and the contents of the Award. A notice under Section 12(2) is but an intimation to the parties to enable them to seek any relief, if they are aggrieved, as to the adequacy of the compensation determined by the Land Acquisition Authority.

5.Therefore, when the petitioner was a party to LAOP.No.28 of 1989, he ought to have taken immediate steps to seek reference under Section 18 of the Land Acquisition Act. It can be ascertained from the typed set of papers that the petitioner has made a similar demand and approached this Court in W.P.No.1323 of 2007 and the same came to be dismissed on 02.07.2007, as it was withdrawn by the petitioner

6.Now after 14 years, fresh attempt is being made. The claim and also given an earlier Writ Petition is dismissed, the petitioner does not even have a locus standi to maintain the petition.

7.The Writ Petition is accordingly dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tsg
To

1.The District Collector,
Erode District, Erode.

2.The District Collector,
Tiruppur District, Tiruppur.

3.The Revenue Divisional Officer,
Dharapuram, Tiruppur District.

+1 cc to The Government Pleader Sr.No. 13213

W.P.No.19690 of 2020

AKII(CO)
RMP(24/03/2021)