



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.03.2022
CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.20699 & 20700 of 2014

Savera Industries Ltd
(formerly Savera Hotels Ltd
a Unit of Savera Industries Ltd)
Rep. By its Managing Director,
Mr.A.Ravikumar Reddy

... Petitioner in W.P.No.20699 of 2014

Syam Enterprises Pvt Ltd,
Rep. By its Managing Director,
Mr.A.Ravikumar Reddy

... Petitioner in W.P.No.20700 of 2014

vs.

1. State of Tamilnadu
Represented by its Secretary
Municipal Administration and Water Supply
Department, Fort St. George, Chennai.

2. Land Acquisition Officer & Tahsildar
Mylapore-Triplicane Taluk
Chennai-600028.

... Respondents in both W.P's

Prayer in W.P.No.20699 of 2014: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to refer the Award No.1 dated 18.12.2009 to the reference Court under Section 18 of the Land Acquisition Act in pursuance of the petitioner's application dated 22.01.2010 for enhancement of compensation for the petitioner's acquired land and to decide the same on merits.

Prayer in W.P.No.20700 of 2014: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to refer the Award No.1 dated 18.12.2009 to the reference Court under Section 18 of the Land Acquisition Act in pursuance of the petitioner's application dated 22.01.2010 and 23.02.2010 for enhancement of compensation for the petitioner's acquired land and to decide the same on merits.



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In both W.P's
For Petitioner

: Mr.Gautam S. Raman

For Respondents

: Mr.P.Sathish,
Additional Government Pleader

COMMON ORDER

These Writ Petitions are filed seeking issuance of Writs of Mandamus to direct the respondents to refer Award No.1, dated 18.12.2009 to the Reference Court under Section 18 of the Land Acquisition Act, in pursuance of the petitioner's applications dated 22.01.2010 in W.P.No.20699 of 2014 and 22.01.2010 & 23.02.2010 in W.P.No.20700 of 2014 for enhancement of compensation for the petitioners' acquired lands.

2. The case of the petitioners in the Writ Petitions is that their lands in S.Nos.1147.17, 1147.20 and 1592.52 were acquired by the respondents/ Government for the purpose of expansion of Cathedral Road and Dr.Radhakrishnan Salai and, after the said acquisition, Award was also passed in Award No.1 dated 18.12.2009 by the 2nd respondent and discontented with the same, the petitioners made representations stated above, before the second respondent, requesting to refer the matter for enhancement of compensation in respect of the acquired lands under Section 18 of the Land Acquisition Act (in short, 'the Act') before the competent Court and marked a copy of the said representations also to the District Collector concerned, thereby, the District Collector, vide proceedings dated 25.03.2010, forwarded the petitioners' applications to the second respondent directing the second respondent to take necessary steps to refer the matter for enhancement, however, till date, no order is passed by the second respondent regarding enhancement of compensation. Hence, these Writ Petitions are filed.

3. The learned counsel for the petitioners submitted that, the petitioners/Companies made the above said representations before the second respondent for enhancement of the compensation amount within a period of six weeks from the date of notice dated 24.12.2009 issued under Section 12(2) of the Act, intimating the petitioners regarding passing of Award by the respondents/Government by marking a copy of the same to the District Collector. Though the District Collector has forwarded the same to the second respondent, vide proceedings dated 25.03.2010, however, till date, no orders have been passed by the second respondent. Hence, it would suffice, if this Court issues direction to the second respondent to implement the order dated 25.03.2010 and refer the matter under Section 18 of the Act before the competent Court for determination of the compensation.



4. The learned Additional Government Pleader appearing for the respondents submitted that, if any order is passed in response to the letter of the District Collector dated 25.03.2010, the same will be implemented by the second respondent and appropriate orders will be passed on the petitioners' representations noted above in terms of Section 18 of the Act.

5. On a perusal of the materials available on record, it is evident that the lands of the petitioners/Companies were acquired by the respondents/ Government for the purpose of expansion of Cathedral Road and Dr.Radhakrishnan Salai, following which, the Award was also passed in favour of the petitioners on 18.12.2009. Thereafter, admittedly, the above said representations were made by the petitioners before the second respondent for referring the matter under Section 18 of the Act for determination of compensation before the competent Court.

6. In view to the above said facts, this Court issues direction to the second respondent to consider the petitioners/Companies' representations noted above, in the light of the letter dated 25.03.2010 sent by the District Collector and refer the matter under Section 18 of the Act before the competent Court, if not referred already, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above observations/directions, both the Writ Petitions are disposed of. No. Costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary
State of Tamilnadu
Municipal Administration and Water Supply
Department, Fort St. George, Chennai.

2. The Land Acquisition Officer & Tahsildar
Mylapore-Triplicane Taluk, Chennai-600028.

+1 cc to Government Pleader Sr.NO. 20642

W.P.No.20699 & 20700 of 2014

pl(CO)

A.SK(27/04/2022)