



W.P.No.17900 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.19887 of 2022

and W.M.P.No.19194 of 2022

Dharmaraj

...Petitioner

Vs.

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2.The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in Letter No. Na.Ka.M1/34248/2014 dated 24.06.2022 on the file of the 1st respondent and quash the same and direct the respondent to redetermine the compensation for the acquisition of land admeasuring 0.19.0 hectares comprised in Survey No.79/1, Vengaikal, Thiruvannammalai on the basis of the award No.27.04.2016 in L.A.O.P.No.77 of 2001 on the file of Principal Sub Court, Thiruvannamalai, Thiruvannamalai District.



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For Petitioner : Mr.R.Rajarajan

For Respondent : Mr.P.Sathish
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records in Letter No. Na.Ka.M1/34248/2014 dated 24.06.2022 on the file of the 1st respondent and quash the same and direct the respondent to redetermine the compensation for the acquisition of land admeasuring 0.19.0 hectares comprised in Survey No.79/1, Vengaikal, Thiruvannammalai on the basis of the award No.27.04.2016 in L.A.O.P.No.77 of 2001 on the file of Principal Sub Court, Thiruvannamalai, Thiruvannamalai District.

2. The learned Additional Government Pleader takes notice for the official respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The learned counsel for the petitioner submitted that the



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petitioner-s father is the owner of the property in Survey No.79/1, Vengaikal, Thiruvannammalai District. The said land was acquired under the Land Acquisition Act, 1894 and award was also passed in Award No.5 of 2000, on 14.02.2000. Though, the petitioner-s father is illiterate and did not appear before the acquisition officer and did not seek any relief under Section 18 f the Act, however, at the instance of neighbouring land owner the acquisition officer made reference under Section 18 of the Act in L.A.O.P.No.77 of 2001, on the file of Principal Sub Court, Thiruvannamalai. The lower Court by its order dated 27.04.2016 passed award in favour of the neighbouring land owners. In order to avail the same benefit the petitioner made a representation before the land acquisition officer under Section 28(A) of the Act on 20.07.2016 and the same was received by the 2nd respondent in file No.32507. The petitioner has given a wrong filed number as 32503 instead of 32507. Thereafter, the petitioner filed a writ petition in W.P.No.26274 of 2019, before this Court. This Court by its order dated 29.07.2021 directed the respondents to take appropriate action within a period of three months. However, the 2nd respondent



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rejected the same on the basis of wrong file number. Challenging the same, this writ petition is filed with the aforesaid prayer.

4. The learned counsel for the petitioner submitted that earlier the petitioner made a representation with wrong file number 32503 instead of 32507. Hence, this Court may set aside the impugned order passed by the 2nd respondent and remitted back the matter for fresh and appropriate consideration. Accordingly, he prays for appropriate orders.

5. The learned Additional Government Pleader appearing on behalf of the respondents submitted that it is alleged on earlier occasion the petitioner has given wrong file number. Hence, this Court may set aside the impugned order and remit the matter back to the authority for fresh consideration.

6. The facts in the present case is not in dispute. Admittedly, the



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petitioner-s land was acquired under the Land Acquisition Act, 1894 and award was also passed in Award No.5 of 2000 on 14.02.2000. The award was referred in L.A.O.P.No.77 of 2001, on the file of Principal Sub Court, Thiruvannamalai and the lower Court by its order dated 27.04.2016 passed award in favour of the neighbouring land owner. Thereafter, the petitioner filed a writ petition in W.P.No.26274 of 2019, before this Court. This Court by its order dated 29.07.2021 directed the respondents to take appropriate action within a period of three months. However, it is alleged that the petitioner committed a mistake by giving wrong file number as 32503 instead of 32507. In view of the above, the impugned order passed by the 2nd respondent is set aside and the matter is remanded back to the 2nd respondent for fresh and proper consideration. If the file number 32507 relates to the petitioner, the 2nd respondent shall consider the same and pass appropriate orders in terms of Section 28(A) of the Act, within a period of twelve weeks from the date of receipt of a copy of this order.



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7. Accordingly, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

04.08.2022

Speaking Order : Yes/ No
Index : Yes/ No
psa

To

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2.The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.



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Today, the case is listed under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. It is represented by the learned counsel for the petitioner that while passing order in the above Writ Petition on 04.08.2022, a direction was mistakenly issued to the second respondent instead of first respondent. Hence, the order may be modified accordingly.

3. In view of the said submission made by the learned counsel for the petitioner, Registry is directed to make the following corrections in W.P.No.19887 of 2022 dated 04.08.2022:

(i) In paragraph No.3 of the order, the last six lines shall be read as 'Thereafter, the petitioner filed a writ petition in W.P.No.26274 of 2019, before this Court. This Court by its order dated 27.11.2020 directed the first respondent to take appropriate action within a period of three months. However,



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the first respondent rejected the same on the basis of wrong file number. Challenging the same, this writ petition is filed with the aforesaid prayer'.

(ii) In paragraph No.4 of the order, the word 'second respondent' shall be read as 'first respondent'.

(iii) The paragraph No.6 of the order, is substituted as 'The facts in the present case is not in dispute. Admittedly, the petitioner's land was acquired under the Land Acquisition Act, 1894 and award was also passed in Award No.5 of 2000 on 14.02.2000. The award was referred in L.A.O.P.No.77 of 2001, on the file of Principal Sub Court, Thiruvannamalai and the lower Court by its order dated 27.04.2016 passed award in favour of the neighbouring land owner. Thereafter, the petitioner filed a writ petition in W.P.No.26274 of 2019, before this Court. This Court by its order dated 27.11.2020 directed the first respondent to take appropriate action within a period of three months. However, it is alleged that the petitioner committed a mistake by giving wrong file number as 32503 instead of 32507. In view of the above, the impugned order passed by the first respondent is set aside and the matter is remanded back to the first respondent for fresh and proper consideration. If the file number 32507 relates to the petitioner, the first respondent shall consider the same and



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pass appropriate orders in terms of Section 28(A) of the Act, within a period of twelve weeks from the date of receipt of a copy of this order.'

4. Except the above modification, all other paras made in the earlier order dated 04.08.2022 shall remain intact. Registry is directed to carry out necessary corrections and issue the corrected order copy to the parties forthwith.

19.06.2023

vji



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