



W.P.(MD).No.11327 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.11327 of 2013

1.Rajbabu

2.Raguramaraj

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Land Acquisition Officer,
Madurai Ring Road Scheme,
Madurai.

2.The Special Tahsildar (Land Acquisition),
Madurai Ring Road Scheme,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to refer the award Nos.3/1991 in respect of the land in Survey Nos.160/1B1, 161/1B, 161/2B, 161/3B, 162/1B, 170/2B2, 170/2A2 and 170/1B of lands at Nilaiyur 2nd Bit Village, Madurai South Taluk, Madurai under Section 18 of the Land Acquisition Act to the competent Civil Court as per the petitioner's final representation, dated 19.04.2011.

For Petitioners : Mr.M.P.Senthil

For Respondents : Mr.N.Muthu Vijayan

Special Government Pleader



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ORDER

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The present writ petition has been filed seeking a writ of Mandamus, directing the first respondent to refer the award for the enhancement of compensation by invoking section 18 of the Land Acquisition Act, 1894.

2. Admittedly, the award has been passed by the second respondent hearin on 28.08.1991, in Award No.3 of 1991. According to the learned Counsel for the petitioner, a representation, dated 08.10.1991, was made by the original owner, followed by another representation on 20.11.1992, by the legal heirs. Since there was no response from the respondents, the present writ petition has been filed seeking a writ of Mandamus, directing the first respondent to refer the award under section 18 of Land Acquisition Act.

3. Per Contra, the learned counsel for the respondents have filed a counter affidavit and contended that no such representation has been received. That apart, the representations have not been received on any



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other date within the period of 6 weeks from the date of the award.

Hence, they are not in a position to refer the matter under section 18 of Land Acquisition Act.

4.A perusal of the typed set of papers indicates that various representations have been enclosed in the typed set of papers without any proper acknowledgement for being sent to the respondents. Hence, this Court is not in a position to arrive at a conclusion that the representations have been sent within the statutory period of 6 weeks from the date of the award. Therefore, the question of issuance of a writ of Mandamus to the respondents to refer the matter under section 18 of the Land Acquisition Act does not arise. The writ petition is dismissed. However, the petitioners are at liberty to approach the District Collector under Section 28 A of the Land Acquisition Act, 1894. In case, if they file an application within a period of three months from the date of the award passed by the Land Acquisition Tribunal, the same shall be considered on merits and in accordance with law.



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5.Hence, the writ petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes / No

Tmg

To

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R.VIJAYAKUMAR ,J.

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

Order made in
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(2/4)