



WEB COPY



WA No.1691 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WA No.1691 of 2023

N.Subbiah

... Appellant

-VS-

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Land Administration,
Fort St. George, Chennai 600 009.

2. The Land Acquisition and Special
Tahsildar (LA), Unit-VI,
O.R.R.Project, Phase-II, C.M.D.A.,
Coimbedu, Chennai 600 092.

... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order dated 19.11.2019 passed in W.P.No.2995 of 2017 on the file of this Court.

For the Appellant : Ms.C.S.Vedavalli

For the Respondents : Mr.K.M.D.Muhilan
Addl. Govt. Pleader.

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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Ms.C.S.Vedavalli, learned counsel for the appellant.

2. The appellant is challenging the judgment of the learned Single Judge dated 19.11.2019 delivered in W.P.No.2995 of 2017.

3. The appellant had filed the aforesaid writ petition challenging the order passed by the second respondent thereby refusing to refer the matter to the Court under Section 18 of the Land Acquisition Act, 1894.

4. The learned counsel for the appellant submits that the appellant had purchased the property in the year 2014 under a registered sale deed from the erstwhile owner. According to the learned counsel, though the award is said to have been passed in the year 2010, no notice was issued to the predecessor-in-title of the appellant nor the appellant had the knowledge of the same. The



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compensation is paid on 30.09.2016. In view of that, the limitation would commence from the date of payment of compensation. This aspect has not been considered by respondent No.2 and the learned Single Judge while passing the impugned order. It is further submitted by the learned counsel for the appellant that the appellant did not have a notice of the award nor the award was notified at any point of time. The limitation would commence from the date the appellant had the knowledge of the award and the date of knowledge would be the date on which the compensation was paid.

5. We have heard Mr.K.M.D.Muhilan, learned Additional Government Pleader, for the respondents.

6. It is a matter of record that the award in respect of the subject writ land is passed on 15.07.2010. The appellant purchased the said property under registered sale deed dated 27.01.2014. After the award was passed on 15.07.2010, the property vests with the Government. The erstwhile owner did not have right, title and interest to transmit it to the present appellant in the year 2014. No title would flow to the present appellant. In light of that, it would not



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be open for the appellant to file a reference under Section 18 of the Land Acquisition Act, 1894.

In light of the above, no case for interference is made out. The writ appeal is dismissed. There shall be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

21.09.2023

Index : Yes/No
Neutral Citation : Yes/No
sra

To

1. The Secretary to Government of Tamil Nadu,
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(sra)

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