



WEB COPY



W.P.Nos.23940 and 23941 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2023

CORAM:

THE HON'BLE MR JUSTICE P. VELMURUGAN

W.P.Nos.23940 and 23941 of 2017

and

W.M.P.Nos.25216 and 25217 of 2017

The Secretary,
Corporate Office,
M/s.NLC India Limited,
(Formerly M/s.Neyveli Lignite Corporation Limited)
Neyveli – 607 801.

...Petitioner in both WPs

Versus

1.The Special Tahsildar No.3,
Land Acquisition,
Neyveli – 607 802.

2.Mr.Selvaraj.

3.Mr.Rajendiran

4.Mrs.Sakunthala

5.Mrs.Bhavani

6.Mrs.Indira

7.Mrs.Chandira

...Respondents in both Wps.



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Prayer in W.P.No.23940 of 2017: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Certiorari, to call for the records of the 1st respondent pertaining to the impugned Reference in R.C.No.C/83/2000 dated 04.04.2000 and quash the same as illegal and contrary to Section 18 of the Act, 1894.

Prayer in W.P.No.23941 of 2017: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Certiorari, to call for the records of the 1st respondent pertaining to the impugned Reference in R.C.No.C/43/2004 dated 19.08.2004 and quash the same as illegal and contrary to Section 18 of the Act, 1894.

For Petitioners	: Mr.N.Nithianandam
For Respondents	: Mr.P.Gurunathan
[R1]	Additional Government Pleader
[R2 to R7]	: Mr.V.Anand

COMMON ORDER

These writ petitions are filed for Writ of Certiorari to call for the records of the 1st respondent pertaining to the impugned Reference in R.C.Nos.C/83/2000 and 43/2004, dated 04.04.2000 and 19.08.2004 respectively and quash the same as illegal and contrary to Section 18 of the Act, 1894.

2. Mr.N.Nithianandam, learned counsel for the petitioner-company submitted that, though the Award was passed in the year 1993



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itself, the official respondents have deposited the amount immediately without any protest and they made the reference under Section 18 of the Land Acquisition Act, 1894 only in the year of 2000, and Section 18 of the Land Acquisition Act clearly described that within a specified period of time the Award should be passed but in this case it is beyond the time limit i.e., after 7 years. Therefore, it is in violation of the said Section of the Land Acquisition Act and therefore, the impugned References in R.C.Nos.C/83/2000 and 43/2004 dated 04.04.2000 and 19.08.2004 respectively, are liable to be quashed.

3. Mr.P.Gurunathan, learned Additional Government Pleader appearing for the first respondent submitted that already, the petitioner has taken the same stand before the LAOP Court and lost his chance there and then he filed the Revision Petition before this Court invoking Article 227 of the Constitution of India and also preferred this petition under Article 226 the Constitution of India. The petitioner having exhausted alternative remedy available under the provisions of the Civil Procedure Code, had failed to prefer Appeal Suit (First Appeal) before this Court in the manner known to law. This Writ Petition is not



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maintainable. Further the Division Bench of this Court by a judgment in

W.A.No.4025 of 2019 dated 27.09.2023 has given a direction that the references made under Section 18 of the Act, are orders and the petitioner is not entitled to any relief, and the writ petitions may be dismissed on the grounds of delay and laches.

4. Heard both sides and perused all the materials available on record.

5. Admittedly, the land in question was acquired in the year 1993 and the Award amount was also received by the petitioner without any protest and the amount of compensation has also been deposited as stated by the respondent. Hence, the petitioner received the compensation amount without any protest and even assuming that still the petitioner can make references under Section 18, the same should be done within the stipulated time, as the petitioner had made the references beyond the time period i.e., after 7 years. Hence, the impugned orders passed are set aside.



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6. With the above observations and directions, these Writ Petitions are allowed. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petitions are closed.

19.12.2023

Index : Yes/No
Speaking : Yes/No
Neutral Citation Case: Yes/No
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To:

The Special Tahsildar No.3,
Land Acquisition,
Neyveli – 607 802.



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P. VELMURUGAN,J.

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