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W.A.No.3692 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. B.BALAJI

W.A.No.3692 of 2019 and

CMP No.23496 of 2019

1. S.Vedachalam(died)
2. M.Arunachalam (died)
3. S.Vaidyanathan
4. S.Natarajan
5. K.Maniyan
6. M.K.Jayasankar
7. Agilandam
8. Umarani
9. Lakshmi

(Appellants 7 to 9 brought on records as LR's of the deceased first appellant vide order dated 3.11.2020 made in CMP No.12210/2020 in W.A.No.3692/2019)

10. Dhandapani
11. Maragatham
12. Thiyagarajan



W.A.No.3692 of 2019

13. Jayarani

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(appellants 10 to 13 brought on record as LR's of the deceased second respondent, vide order dated 3.11.2020 made in CMP No.1211/2020 in W.A.No.3692/2019

... Appellants

Cause title accepted vide order of this court dated 15.07.2010 made in MP No.1/2010 in W.A.SR No42155/2010

Vs.

1. The State of Tamil Nadu rep. by
Commissioner and Secretary to Government,
Social Welfare Department,
St.Fort George, Chennai-9.
2. The Land Acquisition and Special Thasildhar,
(Adi Dravidar Welfare), Villupuram.
3. The District Collector, Villupuram District,
Villupuram.
4. The District Revenue Officer,
Villupuram.
5. M.A.Sanjay Gandhi
6. R.Pungoddai
7. K.Chinnappan
8. S.Singaravel
9. G.Swaminathan

... Respondents



W.A.No.3692 of 2019

Prayer : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed by this Court in W.P.No.18895/1999 dated 3.12.2008.

For Appellants : Mr.N.Suresh

For Respondents : Mrs. UM.Ravichandran,
Spl.Govt.Pleader for R1 to R4

JUDGEMENT

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

This intra court appeal has been filed by the writ petitioners as against the dismissal of the writ petition in W.P.No.18895 of 1995 dated 3.12.2008, wherein, the award dated 04.10.1999 passed by the Special Thasildar, Villupuram for the lands acquired by the Government, was challenged.

2. The appellant herein/writ petitioners are the owners of small extent of land in survey Nos.634/1, 634/2, 634/3, 634/4A, 634/4C, 635/1, 635/2, 635/3, 635/4A, 635/4B, 635/8 in Maragathapuram Village, Villupuram Taluk and District and the same were acquired by the government for providing House sites for Adi dravidas. According to the appellants, their lands are agricultural lands in small extent and when there are more suitable



W.A.No.3692 of 2019

and unyielding house sites are available in the same village, the acquisition of their lands are illegal. Therefore, they raised objection, however, award was passed, challenging the same, writ petition has been filed. The Writ Court dismissed the writ petition. Against which, this intra court appeal has been filed.

3. The learned counsel for the appellants submitted that though the appellants have raised several grounds in the writ petition, same have not been considered by the Writ Court in proper perspective. He further submitted that at the time of admission of the appeal, no interim stay was granted and hence the compensation already deposited was credited to the revenue deposit. In such circumstances, the learned counsel for the appellants seeks permission of this Court to make appropriate application before the authorities concerned for enhancement of compensation under Section 18 of the Land Acquisition Act. He also submitted that, challenging the award dated 04.10.1999, immediately the appellants had filed the writ petition without any delay. He further submitted that, with regard to the award, no notice was issued to the appellants by the department and hence



W.A.No.3692 of 2019

they have not made any objection to the authorities concerned in the reference under Section 18 of the Land Acquisition Act. The above contention was not denied by the learned Special Government Pleader appearing for the respondents.

4. The learned Special Government Pleader appearing for the respondents submitted that, if the appellants/ writ petitioners made their individual application to the authorities concerned, seeking enhancement of compensation, the same will be considered, as per the provisions of the Act.

5. In the writ petition, the appellants had challenged the award dated 4.10.1999 issued under section 12(2) of the Land Acquisition Act (provision was wrongly mentioned in the said notice as section 10(2) of the land Acquisition Act). However, the respondents have not served notice to the writ petitioners under Section 12(2) of the above Act. The said Act, reads as follows.

" 12(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives, when the award is made. "



W.A.No.3692 of 2019

The fact reveals that the respondents have not given opportunity to the appellants/writ petitioners to make their objection to the award and for determination of the court. Therefore, we are of the view that the appellants are entitled to make their objection under Section 18 of the Land Acquisition Act for the compensation awarded and hence, we accept the contention of the learned counsel for the appellants.

6. In view of the above, we inclined to pass the following order.

i) The appellants are directed to make their individual representation before the concerned respondent, within four weeks from the date of receipt of a copy of this order.

ii) On such representations being received, the concerned respondent is directed to verify the genuineness of the title of the properties and then refer the same to the concerned Court for considering the claim of the appellants under Section 18 of the Land Acquisition Act. The above exercise shall be completed within 12 weeks from the date of receipt of the individual representation.



W.A.No.3692 of 2019

7. With the above directions, this writ appeal is disposed of. No costs.

Consequently connected miscellaneous petition is closed.

(D.K.K.J.)

(P.B.B.J.)

26.07.2023

Internet: Yes/No

Index : Yes/No

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To

1. The Commissioner and Secretary to Government,
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Social Welfare Department,
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2. The Land Acquisition and Special Thasildhar,
(Adi Dravidar Welfare), Villupuram.
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W.A.No.3692 of 2019

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