



W.P(MD).No.18348 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.18348 of 2015

and

M.P(MD) No.1 of 2015

M.Raja

..... Petitioner

- Vs-

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Acquisition Officer and
District Revenue Officer,
Thanjavur District,
Thanjavur.

3. The Tahsildar,
Thanjavur Taluk,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings in Na.Ka. 79400/2010/11, dated 14.08.2015 passed by the second respondent, quash



W.P(MD).No.18348 of 2015

the same, further directing the second respondent to refer the acquisition matter in respect of the land and building comprised in T.S.No.3164 situate at Block No.50, Ward No.6, Thanjavur Town belonging to the petitioner, either under Section 18 of the Tamil Nadu Land Acquisition (Amendment) Act or u/s. 18 and 20 of the Tamil Nadu Highways Act 2001 for enhancement of compensation.

For Petitioner : Mr.S.Ramu
For Respondents : Mr.V.Om Prakash
Government Advocate
(for R-1 to R-3)

ORDER

The present Writ Petition has been filed challenging the order passed by the District Collector, Thanjavur/first respondent herein, in refusing to refer the claim of the petitioner under Section 18 (1) of the Tamil Nadu Land Acquisition Act, 1894.

2. It is the admitted case that the land bearing T.S.No.3164/1B1 at Pudupattinam Village had been acquired and that an award has also been made. Since there was a dispute regarding the title of the property, the compensation award had been deposited before the Reference Court and the



W.P(MD).No.18348 of 2015

parties were directed to approach the Court to establish their title for receipt of money. In the interregnum, the petitioner, who also claims title to the property, had sought for reference under Section 18 of the Tamil Nadu Land Acquisition Act, 1894. His request was rejected, holding that the dispute between the parties regarding the title of the property is pending before the High Court and therefore, after disposal of the same, the petitioner can approach the first respondent with an application.

3. In my view, the said order itself is erroneous. The petitioner is also a person, who claims title to the property. Being aggrieved against the award passed as compensation as it is on the lower side, the party claiming title to the property is also categorically entitled to seek reference to the appropriate Court for claiming higher compensation. Since already the authority had referred the matter of dispute as regards the ownership of the property, it would amount to refer the matter under Section 18(1) of the Act to be simultaneously heard by the concerned Reference Court. Thereafter, whoever is found to be entitled to the property, would be also entitled for higher compensation. Therefore, in view of the same, the impugned order is set aside and the first respondent is directed to make a reference based on



W.P(MD).No.18348 of 2015

the petitioner's representation, dated 04.03.2015.

WEB COPY

4. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

05.01.2023

NCC: Yes / No

Index : Yes / No

Internet : Yes / No

ebsi

To

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The Acquisition Officer and
District Revenue Officer,
Thanjavur District,
Thanjavur.
3. The Tahsildar,
Thanjavur Taluk,
Thanjavur District.



WEB COPY



W.P(MD).No.18348 of 2015

K.KUMARESH BABU, J.

ebsi

Order made in
W.P(MD)No.18348 of 2015

05.01.2023