



W..P.No. 9900 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 03.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 9900 of 2024

and

W.M.P.No.10909 of 2024

V.Chinnasamy

... Petitioner

V.s

1. The Government of Tamil Nadu
Rep. by its Secretary
Backward, Most Backward – and Minorities Welfare Department
St. George Fort, Secretariat
Chennai – 600 009
2. The District Collector
Dharmapuri District
Dharmapuri
3. The Special Tahsildar/ Land Acquisition Officer,
Adi Dravida Welfare Department
Harur
Dharmapuri District

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certioraified Mandamus calling for the records relevant to the order in Proceedings in Na.Ka.No.40168/1996/y-8 dated 24.07.2023 passed by the 2nd respondent and quash the same as illegal, improper, unreasonable, thereby direct the respondents to refer the petitioner's case to the jurisdiction court for enhancement of the award amount under section 18(1) of the Land Acquisition Act.

For Petitioner : Mr.B.Gopalakrishnan
For Respondents 1 to 3: Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

This writ petition is filed for the following relief:

“To issue a Writ of Certioraified Mandamus calling for the records relevant to the order in Proceedings in Na.Ka.No.40168/1996/y-8 dated 24.07.2023 passed by the 2nd respondent and quash the same as illegal, improper, unreasonable, thereby direct the respondents to refer the petitioner's case to the jurisdiction court for enhancement of the award amount



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under section 18(1) of the Land Acquisition Act.”

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2. It is the case of the petitioner that his property has been acquired by the respondents 1 and 2 for issuing free house sites patta to the landless backward and most backward communities vide proceedings dated 12.10.1999. At the time of the acquisition of his property, the petitioner has raised an objection. However, the 3rd respondent had informed the petitioner that the compensation amount would be paid shortly. The 3rd respondent had also deposited the compensation amount before the Sub Court, Dharmapuri. The petitioner could not participate in the enquiry due to his ill health. He thereafter approached the 3rd respondent for the payment of the compensation awarded to him. He had also informed the third respondent that the compensation fixed by the Government was very meagre and requested that his file be sent to the Court as per Section 18 of the Land Acquisition Act for enhancement of compensation.

3. The petitioner would submit that the third defendant had



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paid a sum of Rs.63,804/- as compensation to him. The petitioner has given a representation dated 14.10.1999 to the respondents requesting them to refer the matter to the jurisdictional Court under Section 18 of the Land Acquisition Act. The 3rd respondent passed an order in Na.Ka.2-4/96 dated February 2020 to directly give the award amount to the petitioner, but, however no orders have been passed on the reference. The petitioner, after getting legal advise, had sent a notice dated 17.10.2003 to the respondents, however, no action was taken. He sent another representation dated 23.01.2017 to the respondents to send the files to the Sub Court, Dharmapuri for enhancement of compensation. The said representation was forwarded by the 1st respondent to the 2nd respondent by his letter dated 25.04.2017 with a copy marked to the petitioner. No action was taken on the said letter. Yet another representation dated 04.09.2018 was sent by registered post to all the respondents followed by another representation on 30.01.2019. Since none of the representations had evoked any response, the petitioner had filed W.P.No.11804 of 2023, directing the



respondents to consider the petitioner's representations dated 23.01.2017 and 22.12.2022 and refer the case to the jurisdictional Court. On 19.04.2023, this Court had passed an order, directing the 2nd respondent to consider and pass orders on the petitioner's representation within a period of 12 weeks. Thereafter, the 2nd respondent has passed the impugned order dated 24.07.2023 rejecting the claim of the petitioner on the ground that it has been filed 18 years after passing of the Award.

4. Heard the learned counsels on either side.

5. The records would reveal that an Award has been passed on 12.10.1999. The petitioner has submitted a representation to the 3rd respondent which was also received by him on 14.10.1999. The petitioner has submitted the representation for reference to the Court, as is evident from the proceedings of the 3rd respondent dated ...February 2020, where the 2nd reference cited is to the petitioner's



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representation dated 14.10.1999. Therefore, within the time specified under Section 18, the petitioner had made a request for reference. It is rather unfortunate that the District Collector, before passing the order, did not peruse the records; had he done so, he would have seen that the request for reference was made within days of the Award being passed. Therefore, the impugned order suffers not only from non-application of mind but also from being arbitrary.

6. Accordingly, the Writ Petition is allowed and the impugned order dated 24.07.2023 is set aside. The 2nd respondent is directed to refer the case of the petitioner to the jurisdictional Court under Section 18(1) of the Land Acquisition Act within a period of 2 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

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To,

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P.T.ASHA, J.,

srn

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