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W.P. No.12748 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.12748 of 2024

S.Ravikumar

. . Petitioner

Vs

1.The District Collector
Collectorate, G.S.T. Road
Chengalpet - 603 001

2.The Revenue Divisional Officer
Chengalpet (District)
Tambaram, Chennai - 600 047

3.The Land Acquisition Officer
Tamil Nadu Urban Development Plan
Alandur, Chennai - 600 016

. . Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to refer the objection of the petitioner dated 29.09.2023 to the Civil Court for enhanced compensation under Section 20 of the Tamil Nadu Highways Act, 2001.

For Petitioner : Mr.V.Vargees Amal Raja



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For Respondent : Mr.U.Baranidharan,
Additional Government Pleader

ORDER

This writ petition has been filed for a direction to the respondent to refer the objection of the petitioner dated 29.09.2023 to the Civil Court for enhanced compensation under Section 20 of the Tamil Nadu Highways Act, 2001.

2. According to the petitioner, his father had purchased some extent of lands in the year 1976, 1977 and 1982. After the demise of his father, he and his brothers were in possession of the land and were cultivating vegetables. He would further submit that the property belonged to them, were acquired and awards have been passed against a dead person, namely his father on 15.07.2020, whereas his father had died in the year 2016. In this regard, the petitioner has given a representation to refer his objection dated 29.09.2023 to the Civil Court for enhanced compensation under Section 20 of the Tamil Nadu Highways Act, 2001. As no response was forthcoming from the respondents, this writ petition is filed.

3. The learned Additional Government Pleader, who took notice on



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behalf of respondents 1 to 3, would submit that, for reference to the court, an application ought to have been given within a period of 60 days from the date of award. The award was passed on 15.07.2020, whereas the application has been given now. Hence according to him, the application cannot be referred at this stage, as the same is barred by limitation.

4. The learned counsel appearing for the petitioner brought the attention of this court that the very award itself was passed against a dead person. The person against whom the award has been passed, had died in the year 2016 itself. To substantiate the same, he has also drawn the attention of this court to the death certificate issued by the concerned authorities. When the documents produced by the petitioner indicate that the very award itself was passed against a dead person, now the limitation contemplated under Section 20 cannot be pressed into service. Since the very award itself, in the eye of law, cannot be sustained. Now the petitioner has given an application to refer the matter to the Civil Court for enhanced compensation under Section 20 of the Tamil Nadu Highways Act, 2001.

5. In such view of the matter, there shall be a direction to the respondents to refer the objection of the petitioner dated 29.09.2023 to the civil court for a



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proper decision as per Section 20 of the Tamil Nadu Highways Act, 2021. Such an exercise shall be made within a period of one month from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

04.06.2024

Index : Yes / No
Speaking/non speaking order
Neutral Citation : Yes/No
Asr

To

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- 4.The Government Pleader
High Court, Madras

N. SATHISH KUMAR, J.

Asr



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