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W.P.No.27395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.27395 of 2024

Palaniammal

... Petitioner

VS.

1.The District Collector,
Dharmapuri District,
Dharmapuri 636705.

2.The Special Tahsildar (LAO)
AdiDravida Welfare,
Dharmapuri Taluk,
Dharmapuri District.636705

3.The District Backward cum Minority Welfare Officer,
O/o.District Bankward Classes and Minority Welfare office,
Dharmapuri-636705. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the 3rd respondent's proceedings made in O.Mu.No.28678/2022/y-



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8 dated 12.12.2023 and quash the same and consequently direct the respondents to refer the matter to the competent civil court for the determination of the compensation under section 18(1) of the Land Acquisition Act 1894 in so far as the acquired land of the petitioner's property in survey No.312/2, to an extent of 0.65.0 Hectors (1.62 Acres) situated in A.Reddihalli Village, Dharmapuri Taluk and District is concerned.

For Petitioner : Mr.V.R.Annagandhi

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. Aggrieved by the order passed by the 3rd respondent rejecting the request of the petitioner to refer the matter under Section 18(1) of the Land Acquisition Act, 1894, the petitioner has come before this Court.



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3. It is not in dispute that the land of the petitioner's father namely Kaveri was acquired for providing House Sites to the Depressed Sections of People. The Land Acquisition Proceedings were initiated in the year 1985. The award was also passed on 29.03.1986. It is also not in dispute that the compensation amount was already paid to the petitioner's father. It is the case of the petitioner that her father received compensation amount only with protest and the copy of the award was not at all served on him.

4. A reading of the award copy produced in the typed-set of papers would suggest that the petitioner's father as well as petitioner participated in the award enquiry and received compensation fixed by the authorities concerned as early as 1986. When the petitioner participated in the award enquiry and received compensation amount, it is not open to her and her father to say that they had no knowledge about the passing of award by the Competent Authority. The petitioner has no explanation for her failure to seek reference even in the year 1986. Therefore, the 3rd respondent by impugned order rightly rejected the request of the petitioner on the ground that the request for reference under Section 18(1) of the Land Acquisition



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Act, 1894, cannot be considered after 37 years. I do not find any error in the order passed by the 3rd respondent.

5. Accordingly, the Writ Petition is dismissed. No costs.

20.09.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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S.SOUNTHAR, J.

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