



WEB COPY



W.P.Nos.16096 & 16097 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.Nos.16096 & 16097 of 2024

S.Dhinesh
S.Sugumar

.. Petitioner in W.P.No.16096/2024
.. Petitioner in W.P.No.16097/2024

Vs

1.The District Collector
Villupuram
O/o.The Villupuram District Collector
Tamil Nadu

2.The Competent Officer
(Land Acquisition)
Highways 66, cum Special District Revenue Officer at
Villupuram, Tamil Nadu

3.The Thasildar
Vanur
Tamil Nadu

.. Respondents in both W.P.s

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records of the 1st respondent culminating in the impugned proceedings No.B1/25326/2004 dated 02.02.2023, quash the same and consequently direct the 1st respondent to refer the petitioners' petitions dated 09.07.2012 made under Section 20 of the Tamil Nadu Highways Act, 2001 to the court for determination of compensation.



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For Petitioner : Mr.C.A.Diwakar
in both W.P.s

For Respondents : Mr.P.Sathish
in both W.P.s Additional Government Pleader

COMMON ORDER

These writ petitions have been filed seeking to quash the proceedings of the 1st respondent in No.B1/25326/2004 dated 02.02.2023 and for a direction to the 1st respondent to refer the petitioners' petitions dated 09.07.2012 made under Section 20 of the Tamil Nadu Highways Act, 2001, to the court for determination of compensation.

2. It is the case of the petitioners that they were the absolute owners of the lands, which were the subject matter of acquisition in Na.Ka.No. B1/25326/2004 dated 20.12.2011; on 21.02.2012, they were summoned to the office of the 3rd respondent and were asked to sign in the printed form of acceptance receipts bearing Na.Ka.No.A1/9027/2007 dated Nil.2.2012 and to receive their respective compensation cheques No.164493 and 164492 dated 21.02.2012 drawn on State Bank of India, Vanur Branch, for a sum of Rs.5,48,432/- and Rs.18,82,463/-; since they were unaware of the award, they have given a request for a copy of the award and the same was furnished to



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them only on 09.05.2012 and therefore, the cheques were also received under protest and was revalidated from 21.02.2012 to 09.05.2012; thereafter, they filed their objections, seeking reference in the form of an appeal under Section 20 of the Tamil Nadu Highways Act, 2001, on 09.07.2012; without passing any orders on the said objections filed by the petitioners, after ten years, the impugned order came to be passed on the ground that the applications for reference were made beyond the period of six months from the date of award, challenging which, they have filed this writ petition.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused the materials placed on record.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the impugned order has been passed, since the applications for reference have not been filed within six months.

5. The learned counsel appearing for the petitioners brought to the notice of this Court that in this writ petition, counter affidavit has not been filed by the



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respondents, despite opportunities having been granted. The learned counsel also brought to the notice of this Court the award copy, wherein the Tahsildar has signed on 09.05.2012 and on 21.02.2012, the petitioners submitted their objections to the 3rd respondent to refer the matter, which was also received on 21.02.2012 by the A1 Assistant, Taluk Office, Vanur and the cheques issued were also revalidated as 09.05.2012. Hence, according to the learned counsel for the petitioners, these documents clearly show that objections were submitted by the petitioners, within the stipulated period and without verifying the same, the impugned order has been passed.

6. On perusal of the entire materials, it is seen that the award copy was served on the petitioners on 09.05.2012, which has been verified from the signature of the Tahsildar. The further fact that the cheques were revalidated on the same day and copies of the same is made available in the typed set of papers. On 21.02.2012, the petitioners have submitted their objections and they were received by the A1 Assistant of the 3rd respondent office on the same day *i.e.*, on 21.02.2012. Except petitioners, the matters of the other land owners were referred to the court on 09.07.2012. Without considering the fact that the petitioners' cheques were revalidated and their objections were also received, the impugned order proceeded, as if objections were given on a later date.



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Further, the aspects with regard to the acknowledgment made by the Tahsildar in the award and the cheques revalidation date were not discussed in the impugned order and conveniently, omitted. All these facts substantially reflect that objections were given within 60 days' time *i.e.*, from the date of the award. Originally, the petitioners have filed their applications on 14.06.2012 and the vakalat filed in this regard also indicates that officials have endorsed the date as 14.06.2012, which have been returned for filing in the correct form. Therefore, the applications were resubmitted on 09.07.2012, which also bears the initial.

7. These facts are not considered by the 1st respondent, while passing the impugned order and therefore, the same is liable to be quashed and accordingly, quashed. Further, the applications were filed by the petitioners in time and therefore, the respondents are directed to refer the matters to court for enhancement of compensation under Section 20 of the Tamil Nadu Highways Act, 2001, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, these writ petitions stand allowed. No costs.

15.07.2024

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Index : Yes/No



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N.SATHISH KUMAR, J.

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