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WP.No.35822 of 2024

In the High Court of Judicature at Madras

Dated : 21.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35822 of 2024

Dhandapani

Vs

...Petitioner

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Land Acquisition Officer &
District Revenue Officer,
Tiruppur.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 06.9.2024 in Na.Ka.No.14957/2024/VU2 passed by the 1st respondent, quash the same and consequently direct the 1st respondent to refer the petitioner's appeal for enhancement of compensation to court by following the procedures contemplated under the Tamil Nadu High Ways Act 2001 and the Land Acquisition Act, 1894.

For Petitioner : Mr.N.Ponraj
For Respondents : Mr.M.R.Gokul Krishnan, AGP



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ORDER

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Challenging the rejection of his request seeking a reference under Section 18 of the Land Acquisition Act, 1894 to the competent court and to issue a consequential direction to the first respondent to refer the matter to the competent court for enhancement of compensation, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The brief facts leading to filing of this writ petition are as follows :

(i) The petitioner's father owned the lands measuring 3,976 sq.meters in S.Nos.258/1A2, 258/ 1C2 and 259/1B2, Kolathupalayam Village, Dharapuram Taluk, Tiruppur District. After his demise on 10.7.1994, the subject properties devolved around the petitioner and his siblings pursuant to the Will dated 14.6.1994 registered as doc.No. 57 of 1994. Later, the petitioner came to know that the subject properties were acquired under the Tamil Nadu Highways Act, 2001 for the formation of a bypass road to Dharapuram Town.

(ii) After issuance of the relevant Notifications and receiving objections, ultimately, the second respondent passed the award dated



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30.8.2011 in award No.7 of 2011 granting a meagre compensation to the tune of Rs.8,26,775/- in total. Even during the award inquiry, they sought for maximum compensation contending that they have no other property. The cheques were issued on 29.9.2011 to the petitioner and his siblings as per their share and the amounts were received under protest.

(iii) Thereafter, the petitioner made an application dated 14.2.2012 to the first respondent followed by reminder dated 26.7.2024. However, by the impugned order, the first respondent rejected the request of the petitioner only on the ground that the petitioner ought to have made the application so as to refer the matter to the competent court within six weeks from the date of the award namely 11.10.2011. Hence the writ petition.

4. A reading of the award passed by the second respondent would indicate that even during the award inquiry, the petitioner and his siblings had sought for maximum compensation as they have no other property and received the payment only under protest. Though the application dated 14.2.2012 seeking enhancement of compensation has been received by the office of the first respondent on 20.2.2012, it has been rejected only on 06.9.2024 i.e. after more than 12 years. Therefore, the delay is on the side of the respondents.



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The petitioner made objections prior to passing the award. Therefore, the respondents ought to have referred the matter to the competent court under Section 18 of the Land Acquisition Act, which they failed to do so. Further, on receiving the award copy, which was served on the petitioner belatedly, the petitioner approached the first respondent for referring the matter to the competent court. This was also not done by the first respondent.

5. In the light of the above, the writ petition is allowed, the impugned order is set aside and the first respondent is directed to make a reference under Section 18 of the Land Acquisition Act to the competent court in respect of the subject properties within a period of three weeks from the date of receipt of a copy of this order. No costs.

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Index : Yes (or) No
Neutral Citation : Yes (or) No

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Tiruppur.

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