



WP(MD)No.3152 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **02.12.2024**

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THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.3152 of 2019

Mari @ Maniyammal

...Petitioner

Vs.

1.The District Collector,
Karur District, Karur.

2.The Revenue Divisional Officer,
Karur, Karur District.

3.The Special Tahsildar (LA),
Salem-Karur Broad Gauge Line,
Railway Line Scheme,
Opp. to Theresa School
Pradakshnam Road,
Karur Town.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the second respondent made in Na.Ka.A1/67/2017 dated 20.12.2017 and quash the same and consequently direct the respondents 1 to 3 to refer the Land Acquisition dispute of the petitioner to Sub-Court, Karur under Section 18 of Land Acquisition Act in respect of Survey No.313/31B Inamkarur Village, Karur Taluk, Karur District.



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For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner aggrieved by the rejection of his representation passed vide impugned order, dated 20.12.2017 by the second respondent under Section 18 of the Land Acquisition Act in respect of Survey No.313/31B, Inamkarur Village, Karur Taluk, Karur District.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner is owner of the property comprised in S.No. 313/9B to an extent of 0.02.5 hectare and S.No.313/31B to an extent of 50 cents, at Inamkarur Village, Karur Taluk, Karur District. The said lands were acquired for the purpose of Salem-Karur Board Gauge Railway Line work in the year 2000. The third respondent arrived at a compensation of Rs.22,758/- for the lands in Survey No.313/9B under Award No.1 of 2001, dated 12.09.2001. The petitioner received the



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amount on protest and sought for reference within the stipulated time under Section 18 of the Land Acquisition Act. Accordingly, the matter was referred to the Sub-Court, numbered as LAOP No.5 of 2003 and the same is still pending before the Court.

4. In respect of the petitioner's land in Survey No.313/31B the petitioner was paid a compensation of Rs.76,222/- under Award No.8/99 dated 31.08.2000. The petitioner not only received the compensation amount without protest, but also did not submit any representation for enhancement of compensation under Section 18 of the Land Acquisition Act, 1894. Though the petitioner received the compensation amount as early as in the year 2000 itself, he submitted the representation for the first time for enhancement of compensation only on 23.02.2011. The second respondent rejected the said application vide order, dated 26.09.2012. Challenging the said order, the petitioner filed W.P(MD)No.3341/2013. This Court vide order, dated 02.08.2017 allowed the writ petition by remitting the matter to the second respondent for fresh consideration, to verify the authenticity of the submission made by the petitioner and also pass appropriate orders after affording an opportunity of hearing to the petitioner, within a period of six weeks



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from the date of receipt of a copy of the order. As per the order of this Court, the second respondent conducted an enquiry on 06.09.2017, and passed the impugned order dated 20.12.2017, rejecting the petitioner's representation on the ground of limitation/delay. Aggrieved by the said impugned order, the petitioner filed the present writ petition for the aforesaid relief.

5. The learned counsel for the petitioner submitted that the respondents were duty bound to refer the matter to the Sub Court, Karur in terms of Section 18 of the Land Acquisition Act, 1894. The counsel for the petitioner submitted that the respondents having acquired the petitioner's land, it was not fair on their part to reject the petitioner's representation for reference under Section 18 of the Act on the ground of limitation/delay.

6. On the basis of the counter filed in the writ petition, the learned Additional Government Pleader appearing for the respondents submitted that the second respondent rightly rejected the petitioner's representation for reference under Section 18 of the Act on the ground of enormous delay of 12 years. He further submitted that the petitioner received the



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compensation as early as in the year 2000 and long after the statutory period of limitation sought for reference on 23.03.2011. The learned Additional Government Pleader submitted that the writ petition had no merits and hence deserved to be dismissed.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. In respect of the petitioner's land in Survey No.313/31B to an extent of 0.08.0 hectare, the petitioner was paid compensation of Rs.76,222/- as per the Award No.8/999, dated 31.08.2000. The petitioner received the compensation. But the petitioner did not submit any representation/objection for reference to the Court, within the time prescribed under Section 18 of the Land Acquisition Act 1894. The petitioner after a long lapse of 11 years from the date of receipt of the compensation, on 23.02.2011, submitted a representation under Section 18(2)(b) of the Land Acquisition Act. The limitation for seeking reference is provided under Section 18 of the Land Acquisition Act. The outer limit for reference under Section 18(2)(b) is 6 months from the date of the Collectors award. It is further pertinent to note that under the said provision, the Collector is not empowered to enlarge the limitation.



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9. In the present case, the petitioner filed the application on 23.02.2011, 11 years after the receipt of the compensation amount and that too without protest. It is not as if the petitioner is not conversant with the procedure, because with respect to his other land in S.No. 313/9B, the petitioner sought reference within time and the same was also referred and numbered as LAOP No.5/2003 before the Sub-Court, Karur. The petitioner has not given any justifiable reasons for the astronomical delay of 11 years in seeking reference for the subject lands. It is further reiterated here that the petitioner received the compensation amount without protest as early as 2000 itself.

10. In the light of the above said facts, I am of the view that the impugned order cannot be faulted as indisputably the petitioner approached the second respondent with a delay of 12 years. Therefore, I find no merit in the writ petition. Accordingly, the writ petition stands dismissed. No costs.

02.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.MALA,J.

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