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W.P.No.5521 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

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THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.5521 of 2022

S.Raja

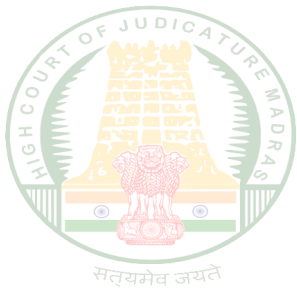
.... Petitioner

Vs

The Revenue Divisional Officer and
Land Acquisition Officer
Thiruvannamalai.

.... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent in Na.Ka.A1/21185/1980 and quash his order dated 19.11.2019 and direct the respondent herein to refer the award passed by him in A1 21185/80 dated 18/10/1985 regarding lands measuring 1.78 acres situated in the village of Kellpinathur now in the District of Thiruvannamalai belonged to the petitioner's grandmother late Rajammal to the Court under Section 18 of the Land Acquisition Act, 1894 acquired for allotment to the North Arcot Marketing Committee renamed as Thiruvannamalai Market Committee, Thindivanam Road, Thiruvannamalai.



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For Petitioner : Mr.M.Gnanasekar

For Respondent : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the respondent dated 19.11.2019 and for a consequential direction to the respondent to refer the award dated 18.10.1985 to the concerned Court under Section 18 of the Land Acquisition Act, 1894, for enhancement of compensation.

2. Heard Mr.M.Gnanasekar, learned counsel for the petitioner and Mr.M.R.Gokul Krishnan, learned Additional Government Pleader for respondent.

3. The petitioner had earlier filed W.P.No.13880 of 2017 for a direction to the respondent to refer the award passed on 18.10.1985 to the concerned Court under Section 18 of the Land Acquisition Act, 1894. This writ petition was disposed of by order dated 24.09.2018 after hearing both sides and the



relevant portion is extracted hereunder :

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"7. It is an admitted case that even though the award was passed on 18.06.1985, the copy of the award was not furnished to the petitioner. In the said circumstances, the petitioner has filed a Writ Petition in W.P.No.3573 of 2015 seeking for a copy of the award and this Court by an order dated 17.02.2015, directed the respondents therein to consider the petitioner's representation, even then, the copy of the award was not furnished to him, which compelled him to file a Contempt Petition before this Court. Pending Contempt Petition alone, the copy of the award was furnished to him on 19.11.2015. The limitation starts from the date of furnishing the copy of the award and not from the date of the award. Hence, the plea of limitation raised by the respondent cannot be countenanced. In the said circumstances, the petitioner's representation is pending with the respondent, the respondent is directed to consider the petitioner's representation considering the fact that the copy of the award was furnished to him only on 19.11.2015 and pass suitable orders in accordance with law within a period of four weeks from the date of receipt of the copy of this order."

4. It is quite clear from the above order that this Court had overruled the objection raised by the respondent on the ground of limitation and directed the



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respondent to pass suitable orders within a period of four weeks. In spite of the same, the respondent has refused to refer the matter to the Competent Court, by once again relying upon the limitation issue and it has been put against the petitioner. The impugned order dated 19.11.2019 runs contrary to the earlier order passed by this Court in W.P.No.13880 of 2017 dated 24.09.2018, and on that ground alone, the same is liable to be interfered by this Court and accordingly, the impugned order is hereby quashed.

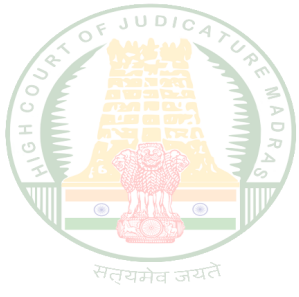
5. There shall be a direction to the respondent to refer the matter to the concerned jurisdictional Court under Section 18 of the Land Acquisition Act, 1894, within a period of four weeks from the date of receipt of a copy of this order.

6. In the result, the writ petition is allowed with the above directions. No costs.

18.03.2025

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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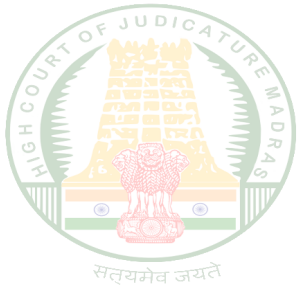
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WEB COPY To:

The Revenue Divisional Officer and
Land Acquisition Officer
Thiruvannamalai.



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N. ANAND VENKATESH., J

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