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W.A.No. 1886 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.SURENDER

W.A.No. 1886 of 2025

1.K.Venugopal

2.V.K.Rajasekar

V.K.Gunasekar (Since deceased)

3.V.K.Gopalakrishnan

4.V.K.Balaraman

...Appellants

Vs.

1. The Land Acquisition Officer &
Revenue Divisional Officer,
Collectorate Buildings,
Sathuvachari, Vellore – 632 009.

2.The Divisional Engineer,
National Highways,
Sankaranpalayam, Vellore – 632 001.

3.The Vellore District Collector,
Office of the Collectorate Buildings,
Sathuvachari, Vellore – 632 009.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 28.04.2018 made in W.P.No. 27928 of 2016.



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For Appellants : Mr.M.S.Mani

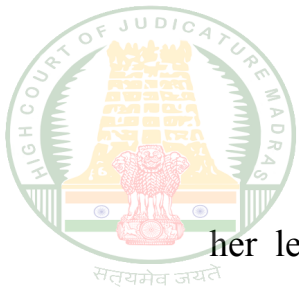
For Respondent : Mr.P.Anandakumar
Government Advocate

JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The appellant is aggrieved by the dismissal of the writ petition, challenge in which was to the order of the 1st respondent dated 31.10.2015 rejecting the claim for a reference under Section 18 of the Land Acquisition Act, 1894.

2. The lands belonging to the mother of the 1st respondent were acquired during the year 1987 and an award came to be passed on 07.12.1982. The mother of the 1st appellant Kamalammal wrote to the Collector on 22.06.1987 stating that the compensation awarded is too low. She was called for an enquiry by the Revenue Divisional Officer on 20.08.1987. After nearly 16 years, the said Kamalammal filed a writ petition in W.P.No.5553 of 2003 seeking a mandamus to refer the question of grant of compensation under Section 18 of the Land Acquisition Act.



3. Pending the writ petition, the original owner, Kamalammal died and her legal heirs were impleaded. This Court while disposing of the writ petition with liberty to the petitioners to submit a fresh representation seeking higher compensation, the Competent Authority was permitted to dispose of such petition on merits. Though this order was passed on 11.01.2013, the petitioners/ appellants herein made a representation only on 04.08.2015 which was rejected as inordinately delayed. It is this order that is subject matter of challenge in the writ petition.

4. A person, who is not satisfied with the compensation awarded by the Collector under Section 12 of the Land Acquisition Act, 1894 has an option to seek a reference to the Civil Court under Section 18 of the Land Acquisition Act, 1894. Proviso to Sub-section 2 of Section 18 prescribed a time limit for seeking a reference under Section 18 and it reads as follows:-

“Provided that every such application shall be made, -

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever



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period shall first expire.”

5. A reading of the above proviso would show that time lines have been prescribed under the said provision and there is no provision for condonation of delay. Realising this difficulty, Mr.M.S.Mani, learned counsel appearing for the appellants would vehemently argued before us that no notice of the award was served on the deceased, Kamalammal. We do not think that it would be necessary for us to go into the said question at this distant point of time. Kamalammal was aware of the award atleast in 1987 when she made an application to the Collector on 22.06.1987.

6. Though an enquiry was conducted in August 1987, nothing further was done. After lapse of 16 years, she taught it fit to move this Court in W.P.No.5553 of 2003, which came to be disposed of after 10 years in 2013. We could see that there has been laches at every point of time. Initially there is a delay of about 4 ½ years when the representation dated 22.06.1987 was made and thereafter, there was a delay of 16 years in coming to this Court based on the said representation. Again, when this Court disposed of the writ petition on 11.01.2013, there was a further delay of 2 ½ years in making a representation pursuant to the liberty given by this Court and a



representation was made only on 04.08.2025.

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7. No doubt, proceedings under Article 226 are not governed by law of limitation but, the Court has to take note of the laches on the part of the person seeking a constitutional remedy. We find that the appellants as well as the deceased, Kamalammal are guilty of laches and they do not qualify for invocation of the constitutional powers of this Court. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs.

(R.S.M., J.) (K.S., J.)
24.06.2025

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Internet: Yes

Index: No

Speaking

Neutral Citation : No

To:-

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Revenue Divisional Officer,
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and
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