



W.P.(MD)No.15274 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2025

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

W.P.(MD).No.15274 of 2025

Perumal,
Hereditary Trustee,
Arulmigu Venkatachalapathy Perumal @Perumal Thirukovil,
Melamadai, Irrukangudi (PO),
Sattur 626 202.

... Petitioner

Vs.

1. The Special Thasildar, (Land Acquisition),
Irrukangudi Reservoir Scheme,
Sattur,
Virudhunagar District.
2. The Revenue Divisional Officer,
RDO Office,
Sattur,
Virudhunagar District.
3. The Sub-Collector,
Sub-Collector Office,
Sivakasi,
Virudhunagar District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to refer the matter under Section 18 of Land Acquisition Act, 1894 for enhancement of compensation to the competent court based on representation dated 05.09.2001.

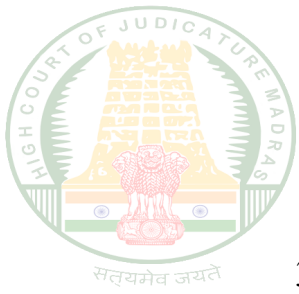
For Petitioner : Mr.P.Saravanan

For R1 to R3 : Mrs.K.Malathi
Additional Government Pleader

ORDER

The writ petition is filed seeking issuance of writ of mandamus directing the respondent to refer the matter under Section 18 of the Land Acquisition Act, 1894 for enhancement of compensation by considering the petitioner's representation dated 05.09.2001

2. Heard the learned counsel appearing for the petitioner and Mrs.K.Malathi, learned Additional Government Pleader appearing for the respondents 1 to 3.



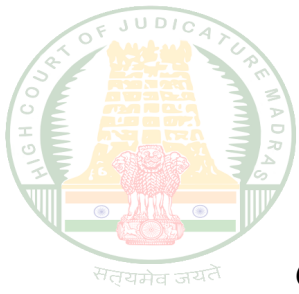
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3. According to the petitioner, the property situated in S.No.384, Irrukangudi Village was acquired for the purpose of constructing a reservoir. The award was passed on 28.05.2001, fixing the compensation. The petitioner received the same under protest. Subsequently, he submitted an application on 05.09.2001 before the 1st respondent seeking reference for enhancement of compensation. The same has not been considered. Hence, the petitioner has come before this Court by way of this petition, seeking direction to refer the matter.

4. The writ petition was opposed by the 2nd respondent by filing counter, wherein it was stated that the petitioner never made any representation seeking enhancement of compensation. Therefore, the writ petition filed by him without seeking reference as per statute is not at all maintainable.

5. The learned counsel appearing for the petitioner by relying on the judgment of this Court in the case of **Steel Authority of India Limited, Salem Steel Plant vs. The Salem Urukklai Thittathal Nilam Ilanthor Sangam & Others**, reported in 2006 1 LW 347, for the propose that even an oral objection by the land owner is sufficient for making a reference.



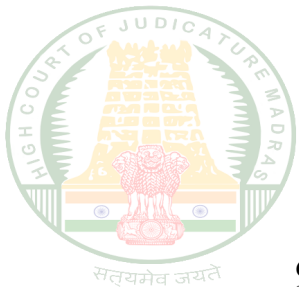
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6. The learned counsel for the petitioner would submit that in the case on hand, even in the award passed by the competent authority, the objection raised by the petitioner with regard to the valuation has been recorded. Therefore, the averment made by the respondent in the counter that the petitioner did not object to the valuation cannot be accepted.

7. The 1st respondent passed an award on 16.08.2001, fixing the compensation of the acquired land. A reading of the same would indicate the petitioner objected to the valuation of the trees in the acquired property and valuation of cement structures and agreed to receive compensation amount under protest.

8. Therefore, it is clear even at the time of passing of the Award, the petitioner made his objection regarding the valuation adopted by the respondents. Therefore, the point raised by the respondent in the counter affidavit that the petitioner never made any kind of representation to the competent authority seeking enhancement of compensation cannot be accepted.



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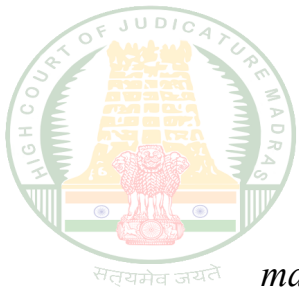
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9. The Hon'ble Supreme Court in the case of **Steel Authority of India Limited, Salem Steel Plant vs. The Salem Urukklai Thittathal Nilam Ilanthor Sangam & Others**, reported in 2006 1 LW 347, while considering the question whether written representation is necessary for making a reference under Section 18 has observed as follows:-

“Having regard to this settled legal position laid down by the Apex Court as well as various High Courts it is clear that mere protest or expression of dissatisfaction to the award of compensation without there being anything in writing may be sufficient and that the authority concerned is under an obligation to refer the matter to the court in accordance with Section 18(2) of the Act. In view of this legal position various categories as indicated hereinabove, expressing their protest and filing their applications for reference and some having not even received notices under Section 12(2) of the Act, cannot be denied the right to refer their cases to the Court under Section 18(2) of the Act, and therefore, we do not find any ground to interfere with the judgment of the learned single Judge. Writ appeal is, therefore, dismissed with no order as to costs.”

10. Similar view was expressed by the apex Court in the case of the Managing Director vs. Chinnasamy and Others, reported in 2006 4 MLJ 254. The relevant observation reads as follows:-

“Thus, it is clear that even without a formal application, if the land owner expresses his protest or dissatisfaction to the award of compensation, the authority is under an obligation to refer the



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matter to the court under Section 18(2) of the Act.”

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11. As mentioned earlier, in the case on hand, the petitioner made an objection even at the time of passing of the award regarding the valuation adopted by the respondents. Therefore, alleged failure of the petitioner to submit a written representation cannot be put against him. This Court comes to the conclusion that the respondents are under obligation to make a reference under Section 18 of the Land Acquisition Act, 1894. Though the petitioner made their objection at the time of the Award enquiry in the year 2001, he failed to approach this Court for nearly 24 years. The writ petition has been filed only in the year 2025. While holding the respondents shall make a reference under Section 18 of the Land Acquisition Act, 1894, this Court makes it clear that the petitioner is not entitled to get interest from 16.08.2001 to date of filing of this writ petition namely 02.06.2025. The delay in approaching this Court is on the part of the petitioner and therefore, the petitioner is not entitled to claim any interest for the above mentioned period.



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12 In view of the discussion made earlier, 1st respondent is directed to refer the matter under Section 18 of the Land Acquisition Act, 1894 for decision of the Court within a period of six (6) weeks from the date of receipt of a copy of this order.

13. The writ petition is disposed of with the above observations.

No costs.

18.08.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm
To

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2. The Revenue Divisional Officer,
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S.SOUNTHAR, J.

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