
(1993) 06 MAD CK 0006
In the Madras High Court

Neyveli Lignite Corporation Ltd.

APPELLANT

Vs

P.R. Govindarajulu and Others

RESPONDENT

Date of Decision : 17-06-1993

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 19, 20, 20(d), 3

Citation : (1993) 2 LW 37 : (1993) 2 MLJ 523

Hon'ble Judges : A.R. Lakshmanan, J

Bench : Single Bench

Judgement

A.R. Lakshmanan, J.—By consent of parties, the main writ petitions have been taken up for disposal.

2. In these writ petitions, the Neyveli Lignite Corporation prayed for issue of writ of certiorarified mandamus by calling for the records leading to

the award of the 3rd respondent/Subordinate Judge, Vridhachalam, made on 13.1.1992 in L.A.O.P. Nos. 121 and 149 of 1981 and to quash the

same and consequently direct the 3rd respondent to proceed with the reference in accordance with law. The writ petitions were admitted by this

Court on 13.7.1992, and interim stay of the awards in question was granted on the same day. The 1st respondent has filed a common counter

affidavit in both the writ petitions. I have heard the arguments of Mr. N.A.K. Sharma, for the petitioner and Mr. R. Krishnamurthi, learned Senior

Counsel for the 1st respondent.

3. According to Mr. N.A.K. Sharma, the writ petitioner is aggrieved that the awards in question have been passed without hearing the petitioner,

which is mandatory as per the amended provisions of the Land Acquisition Act, 1894. The Act was amended by the Land Acquisition (Tamil

Nadu Amendment) Act, 1990 (Act 14 of 1990), which came into force on 9.5.1990 on publication. Section 20 of the Act was amended by the

addition of a new clause viz. Sub-clause (d). Section 20 of the Act as amended reads as follows:

20. The court shall thereupon cause a notice specifying the date on which the court will proceed to determine the objection, and directing their

appearance before the court on that date, to be served on the following persons- namely,

(a) the applicant;

(b) all persons interested in the objection, except such (if any) of them as have consented without protests to receive payment of the compensation

awarded;

(c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector, and

(d) if the acquisition is not made for the Government, the person or authority for whom it is made.

4. Section 3 of Amending Act 14 of 1990, further provides that Section 20 of the Parent Act (Act of 1894) as amended shall apply also to all

proceedings pending before any Court on the date of the commencement of the Amending Act. The consequent legal position is that from

9.5.1990, with respect to all acquisitions of land for the purposes of the project of the 1st respondent, made by the Government of Tamil Nadu, in

any reference under Sections 18 and 19 of the Act, the court is required to give notice, amongst others, to the petitioner herein. This legal position

in my view, statutorily recognises the right of the persons or authorities for whom the acquisition of land is made by the Government to put forward

their pleas with respect to the quantum of compensation, extent of land acquired and such other matters covered by the reference.

5. It is stated by the petitioner that they came to know from the 2nd respondent that under L.A.O.P. Nos. 121 and 149 of 1981 awards have

been passed by the 3rd respondent on 13.1.1992 whereby enhanced compensation together with interest at 9% from the date of taking

possession of the land has been awarded, for the lands in question. Since the awards have been passed by the 3rd respondent without giving

notice to the writ petitioner, the present writ petition have been filed for the relief

mentioned above.

6. I am of the view that the petitioner is right in his submission. Section 20(d) of the Land Acquisition Act provides that the court shall cause a

notice specifying the day on which the court will proceed to determine the objection and directing their appearance before the court on that day to

be served on the persons viz., the applicant and all persons interested in the objection and if the acquisition is not made for the Government, the

person or authority for whom it is made. It is not disputed that the acquisition in the instant case is not made for the Government and that the same

is made only for and on behalf of the writ petitioner. Admittedly, in this case, the 3rd respondent viz. the Subordinate Judge, Vridhachalam, has not

ordered any notice to the person interested viz. the writ petitioner herein, for whose benefit the acquisition is now made. In my opinion, the non-

compliance of the statutory provision provided u/s 20(d) of the Land Acquisition Act is fatal to the case. Hence, the awards passed by the 3rd

respondent without affording an opportunity to the interested person cannot be allowed to stand.

7. At the time of hearing, it was brought to my notice by Mr. R. Krisnamurthi, learned Senior Counsel for the 1st respondent, that the 2nd

respondent herein viz. the Special Tahsildar, Land Acquisition, Neyveli (Referring Officer), has filed two regular first appeals in this Court in A.S.

Nos. 204 and 244 of 1993 challenging the two awards, viz. the judgment and decree of the 3rd respondent herein in L.A.O.P. Nos. 121 and 149

of 1981. The served copy of the grounds of appeal on the 1st respondent/claimant herein has been placed before me. I have also perused the

same. The 2nd respondent herein has specifically raised in those two appeals the very same point which is now raised by the writ petitioner before

me in these writ petitions. It is useful to extract Ground No. 11 in those appeals:

The court below has erred in not issuing notice to Neyveli Lignite Corporation Limited, Neyveli, for whose benefit the lands were acquired, as per

the recent amendment to Section 20 of the Land Acquisition Act made by Government of Tamil Nadu in their Act 14 of 1990.

No other point was raised or argued before me by either side.

8. For the foregoing reasons, I am of the view, that the awards of the 3rd respondent/Subordinate Judge, Vridhachalam in both the L.A.O.P. Nos.

121 and 149 of 1981 are illegal, ab initio void and unenforceable on the short ground of non-issue of statutory notice to the interested person, viz., the writ petitioner. Hence, both the awards are set aside and the matter is remitted to the 3rd respondent. The 3rd respondent is directed to issue notice to the writ petitioner (Neyveli Lignite Corporation Ltd.) owner of the land viz., the 1st respondent (P.R. Govindarajulu) and also the 2nd respondent (Special Tahsildar No. XV, Land Acquisition, Neyveli), and dispose of the matter on merits and in accordance with law within three months from the date of receipt of a copy of this order. Both the writ petitions are ordered accordingly. No costs.