
(1997) 02 MAD CK 0031
In the Madras High Court

The Special Tahsildar, Land Acquisition, Krishna Water Supply Project Unit IV APPELLANT

Vs

Sani Pillai and Others RESPONDENT

Date of Decision : 10-02-1997

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (1997) 2 MLJ 1

Hon'ble Judges : K.A. Swami, C.J

Bench : Division Bench

Judgement

K.A. Swami, C.J.—These appeals are filed against the common judgment dated 7.2.1996 rendered by the learned single Judge on Writ

Petition Nos. 9167 to 9175 and 9260 to 9277 of 1995.

2. The petitioners sought for issue of a writ in the nature of mandamus to the Special Tahsildar, Land Acquisition, Krishna Water Wupply Project

Unit IV, Tiruvallor, Chingleput M.G.R. District to furnish a certified copy of the award dated 30th November, 1987. The learned single Judge has

allowed the writ petition in the following terms:

7. However, in this case, we are not at this stage concerned with regard to the entitlement of the petitioners to make a reference u/s 10 of the Act.

We are concerned only with regard to the limited prayer of the petitioners to furnish a copy of the award to each of them, which according to the

petitioners, they are entitled to. Rule 7 of the Tamil Nadu Rules framed u/s 55(1) of the Act states that the award shall be in the prescribed form.

The Collector need not fill up this form in his own hand. He shall sign it. A copy of the order shall be furnished free of charge to the person

interested. In this case, the learned Government Advocate on verification of the records, states that a copy of the award has not been furnished to

any of the petitioners, since they received Section 12(2) notice and also received the compensation amount without any protest. This contention, in

my opinion, cannot be accepted. We are not in this case concerned whether the petitioners are entitled to make a reference u/s 8 of the Act and

whether that application has been filed in time or not. As already pointed out, we are concerned only with regard to the functioning of a copy of the

award to the petitioners, which they are entitled to be furnished free of charge as per Rule 7 of the Tamil Nadu Rules.

8. For the foregoing reasons, all the writ petitions are ordered and the respondent is directed to furnish a copy of the award dated 30.11.1987 to

all the petitioners free of cost as prayed for by them. No costs.

3. We may at the outset point out that any party to statutory proceeding would be entitled to a certified copy of the proceedings and more so of

the award passed by the Land Acquisition Officer. If such a copy is tried to be obtained for the purpose of seeking a reference u/s 18 of the Land

Acquisition Act, certain other aspects are required to be made clear.

4. With reference to the facts of the present case, we would like to clarify those facts. In these cases, the award was passed in respect of the lands

acquired and belonging to the petitioners on 30th November, 1987, in the presence of the petitioners. Not only that, a notice dated 7.12.1987 u/s

12(2) of the Land Acquisition Act (hereinafter referred to as "the Act") was also served upon the petitioners. Pursuant to that, they received the

compensation as awarded under the award on 11.12.1987 and 12.12.1987. They did not seek any reference to a civil court u/s 18 of the Act.

Thus the compensation awarded by the Land Acquisition Officer has become conclusive. It is in this background, the relief sought for issue of a

writ in the nature of mandamus directing the respondent to furnish a certified copy of the award has to be considered. The petitioners had made the

applications for a certified copy of the award on 3.10.1994. As the copy was not furnished, they have approached this Court.

5. When once a notice u/s 12(2) of the Act is served, the party aggrieved is required to seek reference within six weeks from the date of service of

such notice as contemplated under Clause (b) of Sub-section (2) of Section 18 of

the Act. We have already pointed out that this is a case in which a notice u/s 12(2) of the Act was served on the petitioners. Therefore, the petitioners were required to seek a reference u/s 18 of the Act within six weeks from the date of service of the notice u/s 12(2) of the Act which they had not availed of, as such, the award has become final. This view of ours receives support from the decision of the Supreme Court in Raja Harish Chandra Raj Singh Vs. The Deputy Land Acquisition Officer and Another, , State of Punjab Vs. Mst. Qaisar Jehan Begum and Another, and State of Punjab and Another Vs. Satinder Bir Singh, . Therefore, we made it clear that even though a direction may issue in favour of the petitioners to issue certified copy of the award, but such grant of a certified copy of the award will not furnish a fresh cause of action or fresh point of limitation u/s 18(2)(b) of the Act for seeking a reference.

6. With this clarification, and with a direction that the order of the learned single Judge stands modified accordingly.

7. The writ appeals stand disposed of in the aforesaid terms. No costs.

8. All the C.M.Ps. are dismissed.