

(2014) 11 MAD CK 0159
In the Madras High Court
Case No : Writ Appeal No. 343 of 2011

The State of Tamil Nadu

APPELLANT

Vs

T. Dharmambal

RESPONDENT

Date of Decision : 10-11-2014

Acts Referred:

Land Acquisition Act, 1894 — Section 10, 18, 18(1), 18(2), 9(3)

Citation : (2015) 2 CTC 476 : (2014) 5 LW 605

Hon'ble Judges : M. Jaichandren, J;Aruna Jagadeesan, J

Bench : Division Bench

Judgement

M. Jaichandren, J.

1. Heard the learned counsels appearing for the parties concerned.
2. This writ appeal has been filed against the order of the learned single Judge, dated 18.8.2010, made in W.P.No. 15583 of 2010.
3. The appellants in the present writ appeal were the respondents in the writ petition, in W.P.No. 15583 of 2010. The respondent in the present writ appeal had filed the writ petition, in W.P.No. 15583 of 2010, praying for the issuance of a writ of Certiorarified Mandamus to call for and quash the proceedings of the third respondent therein, dated 3.7.2009, and to direct the said respondent to refer the award, in Award No. 2/2000, dated 15.3.2000, in respect of the land belonging to the petitioner, situated at Mathur village, Block 13, Sriperumbudur Taluk, Kancheepuram District, comprised in S.No. 492/1A2, measuring 0.11.5 hectares, under Section 18(1) of the Land Acquisition Act, 1894, (hereinafter referred to as "the Act"), to the Sub Court, Kancheepuram, for the enhancement of the compensation.
4. It has been stated that the land in question, said to be belonging to the respondent herein, had been acquired for industrial purpose and an award had been passed by the District Collector, Kancheepuram, the second appellant herein, by an Award No. 2/2000, on 15.3.2000. The respondent herein, who had

filed the writ petition, had claimed that he was not aware of the award, till he came to know about it on an application preferred by him, under the Right to Information Act, 2005, on 9.4.2009. Thereafter, he had made an application, on 8.6.2009, for a reference under Section 18 of the Act, for the payment of higher compensation. The request made by the respondent had been turned down by the third respondent, by the impugned order, dated 3.7.2009, on the ground that the said application for reference was made beyond the time prescribed under Section 18 of the Act.

5. The petitioner had filed the writ petition challenging the said order. The learned single Judge had held, by his order, dated 18.8.2010, that the application made by the petitioner for the reference, under Section 18 of the Act, was within the period of two months from 9.4.2009, which is the date when he had the knowledge of the award and therefore, it is well within the time prescribed, under Section 18(1) of the Act. Accordingly, the learned single Judge had set aside the impugned order of the third respondent, dated 3.7.2009, and had directed the third respondent to refer the award, in Award No. 2/2000, dated 15.3.2000, relating to the land of the petitioner, for enhancement of the compensation liable to be paid to the petitioner.

6. The respondents in the writ petition have preferred the present writ appeal stating that no reference can be made under Section 18 of the Act, in respect of the award, in Award No. 2/2000, dated 15.3.2000, beyond the period of six months, as prescribed under the said Section.

7. It had also been stated that the learned single Judge had failed to consider the fact that the respondent had been served with the notice, under Sections 9(3) and 10 of the Act and that they had been returned as unserved. Thereafter, an award enquiry had been conducted and the award, in Award No. 2/2000, dated 15.3.2000, had been passed. After the lapse of nine years, the respondent had made an application, dated 23.3.2009, stating that he had knowledge of the award, only on 9.4.2009.

8. The learned Additional Government Pleader appearing on behalf of the appellants had relied on the following decisions in support of his contentions:

(i) Madan and Another Vs. State of Maharashtra, .

(ii) Popat Bahiru Govardhane etc. Vs. Special Land Acquisition Officer and Another, .

9. The learned counsel appearing on behalf of the respondent had relied on the following decisions, reported in Premji Nathu Vs. State of Gujarat and Another, and Bhagwan Das & Others Vs State of U.P. & Others CDJ 2010 SC 202), in support of his contention that the period of limitation for making of the reference, under Section 18 of the Act, is six months from the date of the knowledge of the award.

10. In view of the submissions made by the learned counsels appearing on

behalf of the parties concerned and on a perusal of the records available and in view of the decisions cited supra, we find it appropriate to hold that the period of limitation prescribed under Sections 18 and 18(2) of the Act would be six months from the date of the knowledge of the award, as held by the Supreme Court in its decision, reported in Premji Nathu Vs. State of Gujarat and Another, .

11. The appellants in the present writ appeal have not been in a position to show that the respondent herein had knowledge of the award, prior to the passing of the award, in Award No. 2/2000, dated 15.3.2000. As the application for the reference had been made by the respondent, on 8.6.2009, it is well within the period of limitation, as prescribed under Section 18(1) of the Act. In such circumstances, we do not find any cause or reason to interfere with the order passed by the learned single Judge, dated 18.8.2010, made in W.P.No. 15583 of 2010. As such, we find it appropriate to dismiss the writ appeal. Hence, it is dismissed. Connected M.P.No. 1 of 2011 is closed. No costs.