
(1963) 11 MAD CK 0052
In the Madras High Court

Venkatasami Naidu and Others

APPELLANT

Vs

The State of Madras

RESPONDENT

Date of Decision : 07-11-1963

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (1964) 1 MLJ 262

Hon'ble Judges : S. Ramachandra Iyer, C.J

Bench : Single Bench

Judgement

S. Ramachandra Iyer, C.J.—This appeal from the judgment of Jagadisan, J., arises out of an application filed by the appellants herein for the issue of a Writ of mandamus to direct the Tahsildar and Land Acquisition Officer, Krishnagiri, to make a Reference u/s 18 of the Land Acquisition Act. The Award was delivered on 22nd September, 1957. Within six weeks therefrom, on 7th October, 1957, the appellants addressed a letter to the Tahsildar and Land Acquisition Officer expressing their extreme disappointment on the amount fixed as compensation and stating that the amount of compensation, which included the value of the site as well as the standing trees, was very low. The letter which is in Tamil further reads:

As you have not taken into account our objections and the record produced by us and as you have not included the value of the trees, the amount now determined by you is very low. We hereby make known to you that we are not in a position to accept that amount as compensation.

Reading between the lines one can easily see that the appellants did want proper compensation being awarded to them. One can reasonably draw the inference that they wanted the Tahsildar to take appropriate steps to secure that end as otherwise there will be no meaning for that letter at all. In a recent case, Writ Appeal No. 150 of 1963 we had a similar situation. The statement, in a letter to the Tahsildar in that case was that the market value of the land was really higher than what has been estimated. We held that the implication of that letter was

that the respondent did not accept the estimate and that he sought for a Reference to Court. In the present case the position is even clearer. The appellants have expressly stated that they are not accepting the compensation. We have no hesitation in holding that the implication of this letter is that they have asked for a Reference u/s 18 of the Act.

2. The appeal is allowed and a write will issue in terms prayed for. The appellants will have their costs here.