

Ekavalli and ors. Vs. Special Tahsildar, Madras Export Processing Zone, Land Acquisition

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SooperKanoon Citation : sooperkanoon.com/826744

Court : Chennai

Decided On : Apr-12-1996

Reported in : (1996)2MLJ389

Appellant : Ekavalli and ors.

Respondent : Special Tahsildar, Madras Export Processing Zone, Land Acquisition

Judgement :

ORDER

Srinivasan, J.

1. The petition is for issue of mandamus directing the respondent to investigate and conduct an enquiry on the basis of the enhanced compensation amount granted in L.A.O.P.510 of 1987 dated 12.12.1988 by redetermining the amount of compensation payable to the petitioners in respects of their 1 acre and 13 cents of land in S. No. 7/1- 3, 32/2 and 32/3 situated at Kadaperi Village, Saidapet Taluk. The petitioners' lands were acquired and compensation was awarded. The petitioners received their compensation but did not seek reference under Section 18 of the Act. Later, a Reference was made under Section 18 at the instance of some other land owners covered by the same notification for acquisition. The

matter was considered by the court in L.A.O.P. No. 510 of 1987 on the file of Sub court, Poonamallee. By judgment dated 12.12.1988, the compensation was enhanced in that proceeding.

2. The petitioners gave a representation to the Collector on 12.5.1989 requesting him to reconsider the question of compensation for the petitioners also. The grievance of the petitioners is that there is not even a reply from the respondent to the said representation.

3. Even on the facts stated by the petitioners in the affidavit filed in support of the writ petition, they are not entitled to claim the benefits of Section 29-A of the Land Acquisition Act. Under Section, the representation shall be made by a written application to the Collector within three months from the date of the award of the court. The proviso says that is computing the period of three months within which an application to the Collector shall be made under the said sub-section, the day on which the award was pronounced and the time required for obtaining a copy of the award shall be excluded. In this case, the petitioners have not applied for a copy of the award instead they made a representation to the Collector without giving a copy of the award. That application was clearly beyond the period of three months prescribed by the section. Hence, the application of the petitioners was barred by time and the petitioners are not entitled to maintain the same. Hence there is no duty on the part of the Collector to send a reply.

4. Reliance is placed on the judgment of a learned single judge of this Court in Mrs. Andal and Ors. v. The Special Tahsildar, Land Acquisition, M.E.P.L., Saidapet Taluk, Madras W.P. No. 6180 of 1993, order dated 31.4.1994). The ruling will not apply in this case as it is clearly stated in paragraph 3 of the judgment that it was not disputed before the learned judge that the application was in time. In this case, the facts stated by the petitioners themselves in the affidavit filed in support of the writ petition prove that the application to the Collector was beyond time. Hence, the petitioners are not entitled to get any relief in this writ petition.

5. The writ petition is dismissed. There will be no order as to costs.

