

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.37190 of 2015
& M.P.No.1 of 2015

Mr.M.Anjappa

.. Petitioner

Versus

- 1.The District Collector,
Krishnagiri District.
Krishnagiri.
- 2.The Sub Collector,
Hosur Taluk, Krishnagiri District.
- 3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai-8.
- 4.The Special Tahsildar(LA),
Land Acquisition(SIPCOT-2),
SIPCOT Industrial Complex,
Mookondapalli Village,
Sipcot Post,
Hosur.

- 5.Mr.Chowdappa
- 6.Mr.Madhi Reddy
- 7.Mr.Narayanappa

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents 1 and 2 not to disburse any compensation amount with regard to the Survey numbers mentioned in the Annexure

Sl.No.	Survey Nos
1	251/1
2	251/2
3	252

Sl.No.	Survey Nos
4	179/1
5	179/3
6	74
7	76/20
8	180/1
9	251/1A
10	251/1B
11	251/1C
12	251/1E
13	251/1F
14	251/1G
15	251/2
16	251/2A
17	251/2B
18	251/2C
19	251/1
20	251/2
21	158

Suit Watedat:

In-Mornapalli Village of Hosure Taluk, Krishnagiri District.

on the basis of the petitioner's representation dated 07.07.2015.

For Petitioner : Mr.T.Arockiadas

For Respondents : Mr.R.Vijayakumar

Addl. Govt. Pleader for R1, R2& R4

Mr.Sudharsanasundar for R3

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ORDER

Heard Mr.T.Arockiadas, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of Respondents 1, 2, 4 and M/s.Sudharsanasundar for the third respondent.

2. Since the writ petition itself is taken up for disposal and without going into the merits of the claim, notice to respondents 5 to 7 is dispensed with. The petitioner claims that the respondents 5 to 7 are not entitled for the compensation amount payable in respect of the lands which were acquired by the fourth respondent for the claim of the third respondent. The petitioner would further state that the title dispute is pending before the Civil Court in O.S.No.138 of 1999, on the file of District Munsif, Hosur. Since steps have been taken by the fourth respondent to disburse the compensation, the petitioner has filed this writ petition.

3. When the case came for admission on 23.11.2015, this Court pointed out that the affidavit filed in support of the writ petition is bereft of particulars and directed the petitioner to file a better affidavit. Accordingly, the petitioner has filed the better affidavit, a Family Genealogy Tree and additional typed set of papers containing the copies of the sale deeds, dated 07.09.1916, 29.06.1927 and 06.03.1943, the notice sent by the petitioner through his counsel, dated 23.06.2015 to the fourth respondent and the representation given by the petitioner to the respondents dated 07.07.2015. Thus, the petitioner would state that there is a dispute as regards the title of the property and therefore, the compensation amount should not be disbursed to the respondents 5 to 7. As stated above, the writ petition is disposed of at the admission stage, this Court is not inclined to go into the allegation that the respondents 5 to 7 has no right to receive the compensation. However, if such representation has been made by the petitioner, it would be appropriate for the fourth respondent to consider the same on merits in accordance with law after notice to all concerned.

4. The learned Additional Government Pleader has submitted that the fourth respondent may be granted a reasonable time to pass an order after hearing the parties.

5. In the light of the above, there will be a direction to the fourth respondent to consider the petitioner's representation, dated 07.07.2015 as well as earlier representation sent through his counsel on 23.06.2015 and pass orders on merits and in accordance with law, after notice to the petitioner and respondents 5 to 7 and any other person who is likely to be aggrieved.

6. The writ petition is disposed of in terms of the aforesaid. Needful be done within a period of two weeks from the

date of receipt of a copy of this order. No costs. Consequently,
connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

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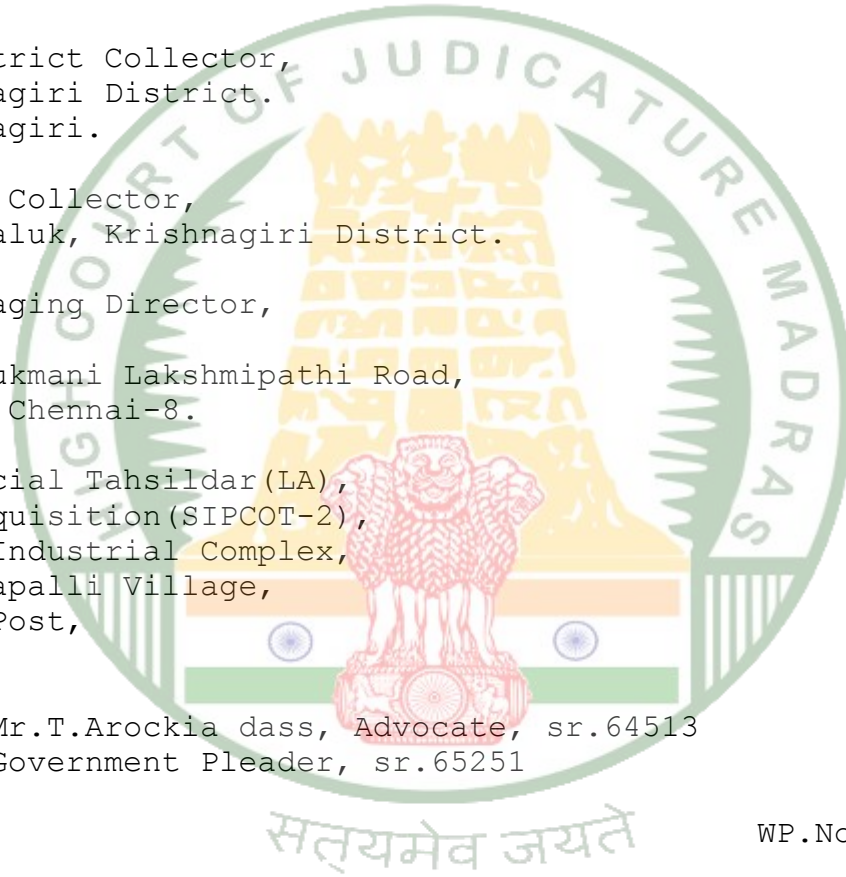
Sub Assistant Registrar

dn/kal

To

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Sipcot Post,
Hosur.

+1 cc to Mr.T.Arockia dass, Advocate, sr.64513
+1 cc to Government Pleader, sr.65251



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