



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 21-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26 OF 2014

G.Thimmarayappa

...Petitioner

-Vs-

- 1.The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-600 009.
- 2.The Add Secretary to Government &
Commissioner Land Administration,
Ezhilalagam, Chepauk,
Chennai-600 005.
- 3.The Special Secretary to Government,
P.W.D.(Irrigation),
Fort St.George, Chennai-600 009.
- 4.The District Collector,
Collectorate,
Krishnagiri District,
Krishnagiri.

5.T.Rajappa

...Respondents

R-5 impleaded on 01.04.2014
in M.P.No.2 of 2014.

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing respondents 1 to 4, to initiate necessary action and pay compensation for the lands utilised by the P.W.D.authorities for the Kelavarapalli Reservoir, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.S.Jayakumar

For Respondents 1 to 4 : Mr.R.Rajeswaran,
Spl.Govt.Pleader.

For Respondent 5 : Mr.S.Krishna Rao.



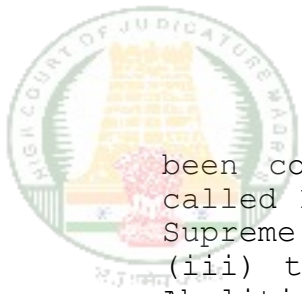
O R D E R

Petitioner, who is aged about 88 years as on date, is being driven from pillar to post, to realise reasonable compensation for the lands, which have been utilised by the respondents as water spread area for a reservoir, without initiating any land acquisition proceedings.

2. Petitioner claims right over the property pursuant to a sale deed, dated 15.04.1957. The Paimash numbers of the said lands appear to have been not mentioned in the notification issued in G.O.Ms.No.719, P.W.(Irrigation), dated 20.04.1979, but the lands have been utilised for the said project and, therefore, the petitioner approached all the heirarchy of authorities for payment of compensation. Petitioner's son also impleaded himself as fifth respondent in the writ petition and, it appears, there is no conflict of interest between the petitioner and the fifth respondent, and both of them seek for compensation.

3. From the documents placed in the typed set of papers, it is seen that the Special Secretary to Government, Public Works Department, by a D.O.Letter No.2101/K2/2013-2, dated 12.02.2013, requested the second respondent to send specific remarks on the subject matter to Government immediately. Copy of the said communication had been sent to fourth respondent, who is District Collector, Krishnagiri, and also to the petitioner. In spite of the said communication, there appeared to have been no progress in the matter and, therefore, the petitioner was constrained to submit one more representation, through his counsel.

4. From the written instructions given by fourth respondent to the learned Government Pleader, it is seen that acquisition proceedings had covered an extent of 149.64.5 hectares of land in four villages, namely, Thimmasandiram, Byrasandiram, Chennasandiram and Elayasandiram. It is accepted that lands, measuring about 14.5 acres under the enjoyment of the petitioner in Elayasandiram village, also fall within the proposed acquired area. The said stand has been taken, stating that the petitioner claims for water spread area and it requires only introduction of Ryotwari Settlement alone. Further, it is stated that water spread area can be acquired only under the survey and settlement records, which are required to be published, after identifying the land owners. It is also admitted that the Government accorded administrative sanction to acquire the lands by invoking urgency provision under the Land Acquisition Act and a proposal was submitted for approval of 4 (1) Notification and Section 6 Draft Declaration simultaneously to the Government through the Commissioner of Land Administration on 01.02.2002. However, the said proposal was not cleared for certain legal complications, namely, (i) the village has not



been converted into Ryotwari from Inam Estate, (ii) the so called Inamdar has moved all judicial forums up to the Hon'ble Supreme Court to declare the villages as minor inams, and (iii) the claim of Inamdar has been turned down by the Inam Abolition Tribunal as well as this High Court. This, according to the respondent, has consumed a lot of time and the long duration starting from 1962 to 1986 has become a great bottleneck in pursuing the land acquisition proceedings. Hence, it is stated that the proposed 149.64.5 hectares of land, including the petitioner's land, could not be acquired, and unless the ryotwari system is introduced, the actual owner of the land can not be fixed, and the Government is very keen and interested to settle the payment of compensation and has accorded administration sanction to acquire lands under the urgency provision. It is further stated that subsequently the Government could not initiate ryotwari system in the light of the decision of the Hon'ble Supreme Court in Civil Appeal No.986 of 1972, dated 24.07.1986.

5. Thus, from the instructions given to the learned Government Pleader, it is evident that the area, which the petitioner claims to be his property, falls within the water spread area and there was an earlier attempt to acquire the land, which has run into rough weather. Subsequently, steps were taken, but, there is no appreciable effort in that direction, nor do the written instructions from the respondent authority state, as to, within what time, they would be able to complete the entire matter.

6. In the light of the facts which have been admitted by the fourth respondent, the second respondent is directed to look into the matter immediately, so that the land owners, who have been affected, shall get the compensation, for the lands, which have been admittedly utilised. The above direction is to be complied with by the second respondent within a period of three months from the date of receipt of a copy of this order.

7. Writ Petition is allowed on the above terms. No costs. Consequently, the connected M.P.No.1 of 2014 is closed.

dixit

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-600 009.



2.The Add Secretary to Government &
Commissioner Land Administration,
Ezhilalagam,
Chepauk,
Chennai-600 005.

3.The Special Secretary to Government,
P.W.D.(Irrigation),
Fort St.George,
Chennai-600 009.

4.The District Collector,
Collectorate,
Krishnagiri District,
Krishnagiri.

+ 1 cc to Mr.S.Jayakumar, Advocate Sr 17915

+ 1 cc to The Govt.Pleader, Sr 18024

KR/13/4/16

W.P.No.26 OF 2014