

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 24749 of 2016

1. T. Kempaiah
2. S.K. Vinodamma ..Petitioners

Vs.

1. The Sub Collector Office,
Hosur Taluk,
Krishnagiri District.
2. The Tahsildar,
Office of the Hosur Taluk,
Krishnagiri District.
3. Tamil Nadu Housing Board,
Office of the Hosur Taluk,
Krishnagiri District.
4. Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai - 35. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st and 2nd respondents to consider and dispose of the representation of the petitioner dated 22.02.2016 in accordance with Section 24(2) of the (Central Act No. 30/2013) or in the light of the communication of the 1st respondent dated 18.10.1989.

For Petitioner :: Mr.M. Raja Sekhar

For Respondents :: Mr.T.M. Pappiah
Special Govt. Pleader
for R1 & R2
Mr.V. Anandamurthy
for R3 & R4

O R D E R

The petitioners purchased the land comprised in S.No. 672/1, Kasappa Village, Hosur Taluk, to an extent of 0.03 cents,

by way of a registered sale deed, vide Document No. 1747/1985 dated 07.06.1985 on the file of SRO, Hosur, for a valuable consideration. The said land was acquired by the 1st and 2nd respondents for expansion of Electrical and Electronics Industrial Estate. The 4(1) notification was issued on 21.12.1988 and 5A enquiry was conducted on 17.04.1989. After the 5A enquiry, award was also passed. However, according to the petitioners, pursuant to the award, no amount was paid. Therefore, the petitioners made a representation to the 1st respondent on 01.04.2003 and by communication dated 15.11.2003, the petitioners were informed that the award amount had been kept as Revenue Deposit in the Sub-Treasury and further directed the petitioners to produce original document for receiving the award amount. Since no amount was paid, the petitioners again made a representation dated 22.02.2016 to respondents 1 to 4 for alternative housing facilities, compensation and also for payment of the award amount. However, till date, the said representation has not been considered. Hence, the petitioners have come forward with the present writ petition.

2. Heard Mr.M. Raja Sekhar, learned counsel for the petitioners, Mr.T.M. Pappiah, learned Special Government Pleader for respondents 1 and 2 and Mr.V. Anandamoorthy, learned counsel for respondents 3 and 4.

3. There is no dispute with regard to the acquisition of the petitioners' land for the purpose of expansion of Electrical and Electronics Industrial Estate, Hosur. The award in respect of the said acquisition proceedings was passed, as early as in the year 2003 and the amount was kept as Revenue Deposit in Sub-Treasury, Hosur, which fact was also communicated to the petitioners on 15.11.2003. A perusal of the communication dated 15.11.2003 would reveal that the petitioners were directed to produce original documents to show that they are the owners of the land and receive the award amount. However, the petitioners slept over the matter for 13 years and all on a sudden, woke up from their deep slumber and gave a representation, subsequently, only in 2016, probably with an intention to get the benefit under the new Act. When the award has been passed, as early as in the year 2003, possession has been taken and the award amount has also been deposited, the petitioners become total strangers and they cannot claim any right over the property. That being so, the petitioners cannot seek any benefit under the new Act. If at all, the petitioners are only entitled to the award amount, kept as Revenue Deposit, in Sub-Treasury, Hosur. Therefore, the claim of the petitioners stands rejected with a direction to respondents 1 and 2 to pay the award amount to the petitioners, as per the communication in e/f/5953/87(gp2) dated 15.11.2003, within a period of eight weeks from the date of receipt of a copy

of this order. The writ petition is dismissed with the above direction.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

nv
To

1. The Sub Collector Office,
Hosur Taluk,
Krishnagiri District.
2. The Tahsildar,
Office of the Hosur Taluk,
Krishnagiri District.
3. Tamil Nadu Housing Board,
Office of the Hosur Taluk,
Krishnagiri District.
4. Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai - 35.

+1 CC to Mr. M. Raja Sekhar, Advocate Sr.No.48929
+1 CC to M/s. Government Pleader, Sr.No.49315

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CNR (CO)
MD : 20/09/2016

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