

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 16-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.26820 TO 26826 OF 2012

V.Nagesh ... Petitioner in W.P.No.26820/2012
Lakshmi Narayana Reddy ... Petitioner in W.P.No.26821/2012
K.Narayanappa ... Petitioner in W.P.No.26822/2012
Muniappa ... Petitioner in W.P.No.26823/2012
NagaReddy ... Petitioner in W.P.No.26824/2012
Muniveera Reddy ... Petitioner in W.P.No.26825/2012
R.Rama Reddy ... Petitioner in W.P.No.26826/2012

-vs-

1.The District Collector,
Collectorate,
Krishnagiri District.
2.The Executive Engineer,
PWD, Mel Pannaiyaru Division,
Collectorate Compound,
Salem Main Road,
Dharmapuri District-636 705. ... Respondents in all WPs

WP Nos.26820 to 26826 of 2012: WP filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pay compensation for the lands in

1. S.No.51/1A & 111/2 measuring 0.30.0 hectares situated at 33, Kanimangalam Village.

2. S.No.558/2 & 111/2 measuring 0.02.0 & 0.07.5 hectares situate at Chennathur Village.

3. S.No.552/4, 562/2 & 573/4 measuring at 0.06.0, 0.17.0 and 0.11.0 hectares situate at Chennathur Village.

4. S.No.573/6 & 573/7 measuring at 0.02.0 & 0.02.0 hectares situate at Chennathur Village.

5. S.No.553/2B measuring at 0.28.0 hectares situate at Chennathur Village.

6. S.No.519/2 measuring at 0.50.0 hectares situate at Chennathur Village.

7. S.No.114/1 & 558/2 measuring at 0.04.0 & 0.02.0 hectares situate at Chennathur Village, Hosur Taluk, Krishnagiri District respectively tajeber vt tge respondents for laying a channel in the year 2006 together with interest at 18% per annum.

For petitioner : Mr.V.Raghavachari
For respondents : Mr.R.Rajeswaran,
Spl.Govt.Pleader.

O R D E R

Petitioners in all these Writ Petitions have sought for a direction to both the respondents to pay compensation for the lands taken over for the purpose of forming a channel, in the year 2006. However, the present writ petitions came to be filed only in the year 2012, and, though notices have been served on the respondents, till-date, counter affidavit has not been filed.

2. In fact, this Court adjourned the matter on four earlier occasions for filing counter affidavit. But, unfortunately, the respondents have not given any written instructions to the learned Special Government Pleader.

3. Petitioners' case is that they had owned small pieces of land and the said land formed part of the water spread area of KRRP Scheme. Petitioners would state that though their lands were taken over in the year 2006, till-date, compensation has not been paid.

4. Learned counsel for the petitioners has drawn the attention of this Court to the proceedings of the Public Works Department, addressed to the Special Tahsildar, forwarding the representation given by one of the petitioners, by name, V.Nagesh.

5. Petitioner has filed a copy of the notice issued by the Tahsildar, Hosur, mentioning the name of the petitioner V.Nagesh as well as V.Narayanasamy and Venkatappa. Thus, the documents, which have been placed in the typed set of papers, prima facie, show that the lands, which were owned by the petitioners, have been acquired.

6. Given the above facts and circumstances of the case, there will be a direction to the first respondent to

consider the claim of the petitioners for payment of adequate compensation, after thoroughly verifying the facts and also ascertaining as to whether the petitioners are the land owners, and all other factors, which are required to be taken into consideration. Since the acquisition is of the year 2006 and the writ petitions are pending before this Court from the year 2012, the petitioners are directed to submit one more representation along with a copy of this order and also copies of whatever records, which are in their possession, to the first respondent. On receipt of the said representations, the first respondent shall inquire into the matter, call for a report from the subordinate officers of the Department concerned as well as those of Public Works Department, namely, the second respondent herein, and, after affording an opportunity of personal hearing to the petitioners and being satisfied that the petitioners are the land owners and they have been dispossessed and their lands have been taken over, award fair and reasonable compensation. The above direction shall be complied with by the first respondent within a period of three months from the date of receipt of representations from the petitioners.

7. Writ Petitions are disposed of accordingly. No costs. Consequently, the connected M.P.Nos.1 of 2012 are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

dixit

To:

- 1.The District Collector,
Collectorate,
Krishnagiri District.
- 2.The Executive Engineer,
PWD, Mel Pannaiyaru Division,
Collectorate Compound,
Salem Main Road,
Dharmapuri District-636 705.

+7 ccs to M/s.V.Raghavachari, Advocate, sr.16913

W.P.Nos.26820-26826 OF 2012

ctk co
kra_06_04_2016