

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 20621 of 2018

D.Krishnappa

... Petitioner

Vs

1. The Collector,
Krishnagiri District.

2. The Special Tahsildar
(Land Acquisition),
SIPCOT, Hosur,
Krishnagiri.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the 1st respondent to refer Award No.3/2007 dated 22.03.2007 to the Subordinate Judge, Hosur for enhancement of compensation of the lands of the petitioner as mandated under Sec.8 of the Act 10 of 1999 in respect of the lands situate in Survey No.437/B2 & B3, Moharanapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.D.Raja,
Additional Government Pleader

O R D E R

This writ petition has been filed seeking for a direction to the 1st respondent to refer the award under Sec.8 of Tamil Nadu Acquisition of Land for Industrial Purposes Act (hereinafter called as 'Act').

2. According to the petitioner, the petitioner's lands were acquired by the respondent, and an award also passed. Thereafter, the award was referred under Sec. 9 of the Act for apportionment of compensation, thereafter, apportionment was also made. But, even though the petitioner has sought for reference under Sec.8 of the Act for enhancement of compensation, no reference has been made under Sec.8 of the Act. Hence, the present Writ Petition has been filed.

3. Earlier, notice was ordered to the Respondents and now, today when the matter was taken up for hearing, the learned counsel appearing for the respondent submitted that earlier, the Special Tahsildar has made a reference in and by his proceedings dated 24.06.2009 referring the award both under Sec.8 and Sec.9 of the Act and after disposal of the reference under Sec.9, the reference under Sec.8 of the Act will be taken for consideration. He has also produced the copy of the proceedings of the Special Tahsildar.

4. Now, the learned counsel appearing for the petitioner, on instructions, submitted that on verification, it is found that the reference made by the Special Tahsildar under Sec.8 of the Act is not available in the concerned Sub-Court, Hosur. Therefore, the Special Tahsildar may be directed to send the copy of the reference to the Sub-Court, Hosur.

5. Considering the fact that already a reference has been made under Sec.8 of the Act for enhancement of compensation to the Sub-Court, Hosur, no further order is required in the present Writ Petition. However, the 2nd respondent Special Tahsildar is directed to send the copy of the reference made under Sec.8 of the Act to the Sub-Court, Hosur enabling the Court to proceed further on the reference under Sec.8 of the Act.

6. With the above direction, the present Writ Petition stands closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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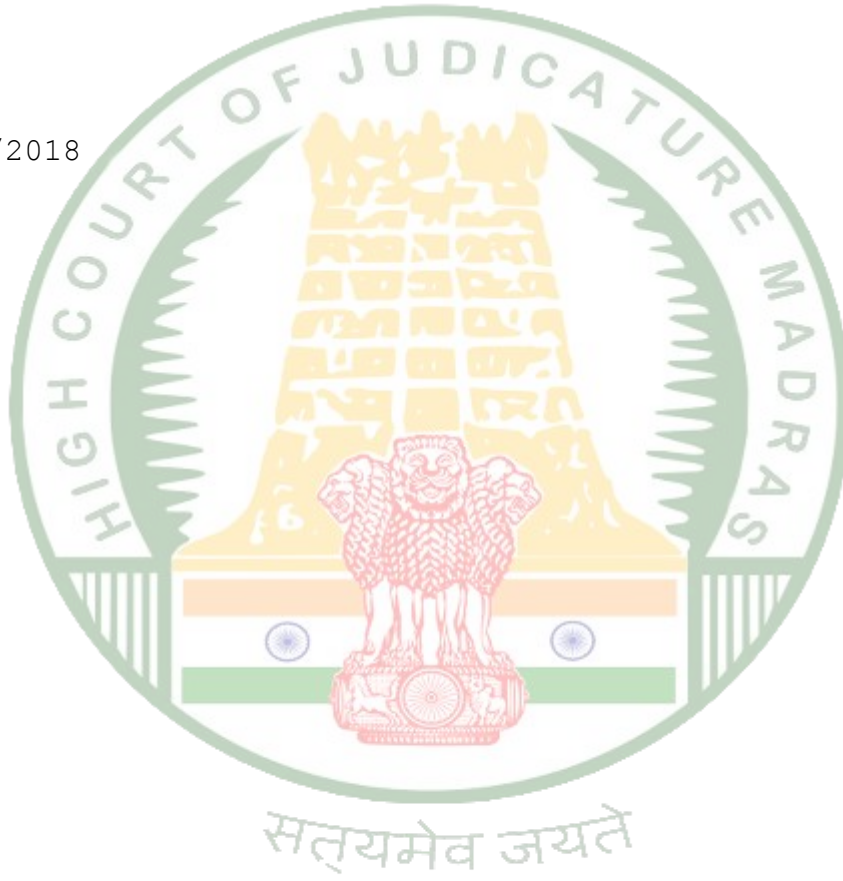
1. The Collector,
Krishnagiri District.
2. The Special Tahsildar
(Land Acquisition),
SIPCOT, Hosur,
Krishnagiri.

3.The Sub Judge,
Hosur.

+1cc to M/S.V.Raghavachari, Advocate Sr.59702
+1cc to the Government Pleader Sr.60093

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nri[col]
srg 04/10/2018



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