

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2018

CORAM

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

and

THE HON'BLE Mr.JUSTICE P.VELMURUGAN

W.A. No.1506 of 2014
& M.P.No.1 of 2014

1.The District Collector,
Dharmapuri District.

2.The Tahsildar,
Hosur Taluk Office,
Hosur, Dharmapuri District.

..Appellants

Versus

Lakshmamma

.. Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order dated 06.11.2012 made in W.P.No.9962 of 2006 on the file of this Court.

For appellants

:: Mr.V.Anandhamurthy
Addl. Government Pleader

For respondent

:: Ms.R.Sripriya for
Mr.V.Raghavachari

JUDGMENT

(Judgment of the Court was made by K.K.SASIDHARAN,J.)

Challenging the order passed by the learned single Judge directing the appellants to pay compensation to the respondent on account of the acquisition of the property in survey No.445, Mornapalli Village, Hosur Taluk, Dharmapuri District, which was allotted to her for Mulberry cultivation, the appellants have come out with this Intra Court Appeal.

2. The appellants have come up with a contention that they have not acquired the land in survey No.445 and the property in Survey No.455 alone was acquired for SIPCOT.

3. The learned Additional Government Pleader, on the strength of the written instruction given by the Tahsildar, Hosur, in Na.Ka.9048/2014/C4 dated 09.03.2015, submitted that there was no acquisition in respect of the land in Survey No.445 and as such, there is no question of paying compensation to the respondent, even if there was a lease in her favour.

4. There is a dispute with regard to the land stated to have been acquired by the appellants. It would not be possible to decide the lis on the basis of

affidavits and counter affidavits. It is for the respondent to file a civil suit to redress her grievance.

5. The order passed by the learned single Judge is set aside.

6. The intra Court appeal is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

(K.K.S.,J.) (P.V.,J.)

07.02.2018

Index: Yes/No
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To

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**K.K.SASIDHARAN,J.
and
P.VELMURUGAN,J.**

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