

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.30445 of 2016

and

W.M.P.Nos.26395, 26396 of 2016 & 10274,
10275 of 2017

1. Mr. D. Venkatarajulu

2. K.V.Vengadamanalan

3. K.V.Duraisamy

4. K.V.Bharanidharan

5. K.V.Sainath

...Petitioners

Versus

1. The District Collector,
Krishnagiri District.

2. The District Revenue Officer,
Krishnagiri Taluk,
Krishnagiri District.

3. The Revenue Divisional Officer,
Krishnagiri Taluk,
Krishnagiri District.

4. The Tahsildar,
Krishnagiri Taluk,
Krishnagiri District.

5. The Deputy Tahsildar,
Kaveripattinam Zone & Additional
Deputy Tahsildhar (Incharge),
Veppanapalli,
Krishnagiri Taluk,
Krishnagiri District.

6. The Special Tahsildhar,
Land Acquisition,
SIPCOT Part - 3,
Unit I, Hosur Extension,
Shoolagiri Taluk,
Krishnagiri District.

7. S. Rajeshkumar
8. Mrs.Lakhnapriya
9. S.R.Krishna

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent herein to refer the dispute as to the entitlement and apportionment of compensation for acquisition of the lands in Survey No.16/1B2A and S.No.16/1B2B of Kurubarapalli Village, Krishnagiri Taluk and District to the competent civil Court for adjudication under Section 9(2) of the Tamil Nadu Acquisition of land for Industrial Purposes Act, 1977.

For Petitioners : Mrs.A.L.Ganthimathi
For Respondents - 1 to 6 : Mr.Akhil Akbar Ali,
Government Advocate
Respondents - 7 & 9 : Mr.N.Murali
Respondent - 8 : Mr.N.Jayakumar

ORDER

The hyper-anxious petitioners have approached the Court with the prayer that in the eventuality of the Land Acquisition Authority passing an award under Section 7(3) of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997, he should refer the matter under Section 9 of the said Act to the Civil Court as there is a possible rival claim from the respondents 7 to 9.

2. The Land Acquisition Officer has filed the counter affidavit wherein it is made clear that an award is yet to be passed and in the eventuality of any rival claim forthcoming either from respondents 7 to 9 or from others, he would act consistent with the directives of the Statute. Mr. Akhil Akbar Ali, the learned Government Advocate entering appearance for the respondents 1 to 6 makes a statement reiterating the same. His statement is recorded.

3. In the opinion of this Court, this Writ Petition is premature, since the Land Acquisition Authority/first respondent is yet encounter a situation for him to ascertain if a rival claim for compensation at all is there. However, since the award has not been passed, the first respondent is directed to issue notices to all parties interested in the property in order the doors of this Court are not knocked by any with complaint of

denial of opportunity of hearing prior to passing of the award. Since the first respondent has already undertaken to refer the matter to the concerned Civil Court in the eventuality of any rival claim being made, that itself would operate as a self imposed direction and this Court need not pass any fresh direction.

4. In the result, this Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrr

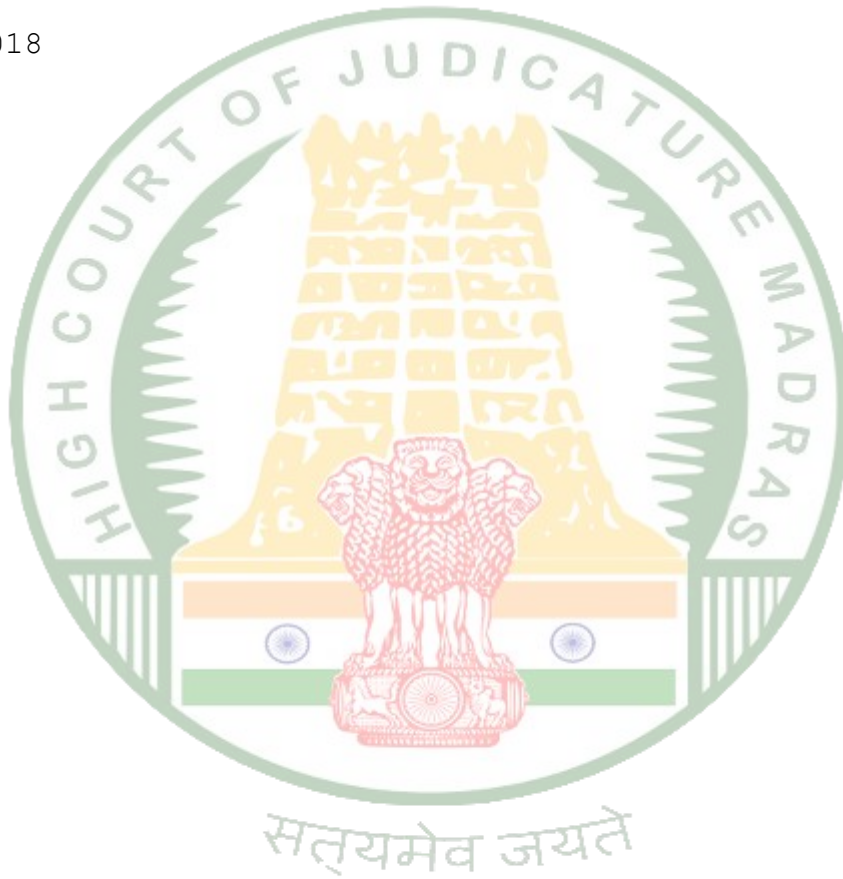
To

1. The District Collector,
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2. The District Revenue Officer,
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Krishnagiri District.
3. The Revenue Divisional Officer,
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Krishnagiri District.

+1 cc to mr.N.Murali Advocate sr 7699
+1 cc to Mr.K.Venkatesan Advocate sr 7709

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