

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.04.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3921 of 2006
And
W.P.M.P.No.4174 of 2006

T.Anjappa

... Petitioner

Vs.

- 1.State of Tamilnadu
represented by its Secretary,
Department of Industries,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
Krishnagiri District,
Krishnagiri.
- 3.The Sub-Collector and
Land Acquiring Authority,
Hosur, Krishnagiri District.
- 4.The Electrical and Electronics Industrial Estate,
Represented by its Executive Officer,
Hosur.
- 5.The Superintending Engineer,
TANSIDCO Ltd.,
Hosur, Krishnagiri District. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to redeliver the lands acquired from the petitioner herein in respect of the Survey No.594, Hosur Town and village, Krishnagiri District as promised by the 3rd respondent herein vide their communication in Na.Ka.5953/99(B2) dated 20.11.2004, sent by the 3rd respondent to the petitioner herein and also as per the affidavit filed by the 3rd respondent herein before the Sub-Court, Hosur in REA 157/2004 in REP2/2003 in LAOP No.385/1996.

For Petitioner : Ms.S.Mahimai Raj
For Respondents : Mr.K.Ravikumar for R1 to R3
Additional Government Pleader
No Appearance for R4
Mr.B.Manoharan for R5

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus, directing the respondents to redeliver the lands acquired from the petitioner in respect of the Survey No.594, Hosur Town and Village, Krishnagiri District as promised by the third respondent vide communication in Na.Ka.No.5953/99 (B2) dated 20.11.2004 and also as per the affidavit filed by the third respondent before the Sub-Court, Hosur, in REA No.157/2004 in REP No.2/2003 in LAOP No.385/1996.

2.The facts leading to the filing of this writ petition are as follows: The lands in Survey No.594, Hosur Town and Taluk measuring an extent of 1.01.0 Hectares belonging to the petitioner

and his brothers was acquired by the second respondent for the purpose of formation of Electrical and Electronics Industrial Estate, Hosur, as per Award No.9/91 dated 19.12.1991. The petitioner aggrieved by the award amount, filed LACOP No.385/1996 on the file of the Sub Court, Hosur. The Sub Court, Hosur, enhanced the award amount to Rs.24,79,548/-. Even after passing of the award by the Sub Court, Hosur, the second respondent did not take any steps to pay the enhanced amount to the petitioner and his brothers. Hence, the petitioner filed Execution Petition before the Sub Court, Hosur, for attachment.

3.Though the third respondent appeared in the Execution Petition, they dragged on the proceedings and then the Execution Petition was closed as no steps could be taken. Thereafter, the third respondent preferred appeal against the petitioner and his brothers before this Court in A.S.No.687 of 2003. This Court vide order dated 04.11.2003 made in C.M.P.No.11028 of 2003 in A.S.No.687 of 2003 granted interim order of stay on condition to deposit 50% of the award amount. However, the third respondent did not take any steps. Therefore, the petitioner filed Execution petition for attachment and also obtained an order of attachment.

4.The third respondent then appeared before the Sub Court, Hosur and filed an affidavit stating that they have decided to give back the property to the land owners. Hence, the order of

attachment was set aside and Execution Petition was closed. Even thereafter, the enhanced compensation was not paid to the petitioner and hence he made a representation dated 01.12.2004 to the respondents and requested them to give back the acquired lands and since there was no reply, the petitioner filed a writ petition in W.P.No.37199 of 2004 and this Court vide order dated 15.12.2004 directed the first respondent to consider the representation made by the petitioner dated 01.12.2004. After receipt of the copy of the order dated 15.12.2004, the first respondent vide letter dated 10.10.2005 communicated to the petitioner that it is not possible to re-convey the land in question and the quantum of enhanced compensation will be decided only after the disposal of the appeal. Since neither the enhanced compensation was paid nor the lands acquired were returned, the petitioner has filed this writ petition.

5.The third respondent has filed a counter stating that already the petitioner filed a petition before the Chief Minister Cell on 06.10.2004 and the third respondent by his reply dated 20.11.2004 stated that the lands could be re-conveyed only after receipt of the orders from the Government. Thereafter, the petitioner filed a writ petition in W.P.No.37199 of 2004 seeking to give back the lands acquired and this Court vide order dated 15.12.2004 directed the first respondent to consider the representation made by the petitioner dated 01.12.2004 and the Government/ first respondent vide letter dated 10.10.2005 has given a suitable reply to the petitioner's representation stating that it is not possible to re-convey the land in question and the quantum of enhanced compensation will be decided only after the disposal of the appeal in A.S.No. 687 of 2003.

6.The learned Additional Government Pleader would submit that the third respondent preferred appeal against the petitioner and his brothers before this Court in A.S.No.687 of 2003. Thereafter, the requisition body deposited the enhanced award amount before the lower Court and the acquired land was allotted in favour of the beneficiaries. In view of the above nothing survives for adjudication in the writ petition and the prayer sought for by the petitioner cannot be granted.

7.Heard both sides.

8.For the very same relief, the petitioner has already filed a writ petition in W.P.No.37199 of 2004 and this Court vide order dated 15.12.2004 directed the first respondent to consider the representation made by the petitioner dated 01.12.2004 and to pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of that order. Thereafter, the Government/ first respondent vide letter dated 10.10.2005 rejected the request made by the

petitioner stating that it is not possible to re-convey the land in question since the land acquired was handed over to SIDCO as early as on 03.07.1992 and subsequently, the entire land was developed into small plots and those plots were already allotted to the needy entrepreneurs.

9.Perusal of the communication of the third respondent in Na.Ka.No.5953/99(B2) dated 20.11.2004 discloses that since the amount awarded by the lower Court is exorbitant, the requisition body has considered to re-convey the land after receipt of orders from the Government. Based on the said communication, the present writ petition has been filed.

10.The said A.S.No.687 of 2003 was dismissed by this Court on 15.06.2016 confirming the award passed by the lower Court.

11.The learned Additional Government Pleader submits that the enhanced compensation amount has been deposited before the Sub Court, Hosur and has produced a copy of the letter of the Sub Collector (I/C), Hosur, addressed to the Sub Judge, Sub Court, Hosur, in Roc.5953/1987 (B2) dated 07.05.2007.

12.The relief sought for in the writ petition cannot be granted since the acquisition body has handed over the land acquired to SIDCO as early as on 03.07.1992 and subsequently, the entire land was developed into small plots and those plots were already allotted to the needy entrepreneurs. At this juncture, when the land itself has been alienated in favour of third parties, re-conveyance of the land in favour of the petitioner cannot be considered.

13.In view of the above, I do not find any merit in the writ petition. Accordingly, the prayer sought for in the writ petition cannot be granted and the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pri

To

1.State of Tamilnadu
represented by its Secretary,
Department of Industries,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Krishnagiri District,
Krishnagiri.

3.The Sub-Collector and
Land Acquiring Authority,
Hosur, Krishnagiri District.

+1 cc to M/s.S.Mahimai Raj Advocate sr 24971
+1 cc to Govt Pleader sr 24868

W.P.No.3921 of 2006
And
W.P.M.P.No.4174 of 2006

sai(co)
aa26/04/2018



WEB COPY