

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 22741 of 2008

and

M.P.Nos. 2,3 of 2008 & 1 of 2009

L.V.Lalitha

..Petitioner

vs

1. The District Collector
Krishnagiri District
Krishnagiri

2. The Special Tahsildhar
(Land Acquisition)
SIPCOT
Hosur
Krishnagiri District.

3. The State of Tamil Nadu
rep. by Secretary to Government
Industries Department
Fort St.George
Chennai - 600 009.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Certiorari, calling for the records relating to Notification passed by the 3rd respondent in G.O.Ms.No.108, Industries (MIG-2) dated 07.09.2006 published by the Industries Department at Part II Section 2 of Tamil Nadu Government Gazette Extraordinary dated 07.09.2006 in respect of the petitioner's property situated at S.No.275 (Dry) measuring an extent of 2.34.5 hectares in Moranapalli Village, Hosur Taluk, Krishnagiri District and quash the same.

For Petitioner : M/s.R.Poornima

For Respondent : Mr.J.Ramesh,
Additional Government Pleader.

O R D E R

The petitioner filed this Writ Petition praying for a writ of Certiorari, calling for the records relating to Notification passed by the 3rd respondent in G.O.Ms.No.108, (MIG-2) dated 07.09.2006, published by the Industries Department at Part II Section 2 of Tamil Nadu Government Gazette Extraordinary dated 07.09.2006, in respect of the petitioner's property situated at S.No.275 (Dry) measuring an extent of 2.34.5 hectares in Moranapalli Village, Hosur Taluk, Krishnagiri District and quash the same.

2. The property situated in Survey No.275, (Dry) measuring an extent of 5.79 acres (2.34.5 hect.) in Moranapalli Village, Hosur Taluk, Krishnagiri District, hereinafter referred to as 'the property' originally belonged to the petitioner's father Venkata Subbarao. Her father executed a registered Dhana Settlement Deed dated 01.10.1992, relating to the property in her favour. The possession of the property was delivered to her. The Gift Deed was accepted by her and acted upon by all the parties concerned. All the revenue records got changed in her name. The petitioner have also paid tax and land revenues to the property.

3. The petitioner's father died on 04.12.1999 and his legal heirs are Kamalamma (Wife); Indira (daughter); Sathiyarayanan (son); Krishnamoorthy (son); Lalitha (herself) and Saroja (daughter). As mentioned above, the petitioner is only entitled to the property by virtue of the Settlement Deed referred above and the other legal heirs have no right over the property.

4. The petitioner has filed the writ petition challenging the acquisition proceedings. While entertaining the writ petition, this Court has granted interim orders. However, the learned counsel for the petitioner has filed memo dated 13.06.2019 stating that he has returned the papers to the petitioner. Today, no one represented on behalf of the petitioner.

5. The second respondent has filed counter stating that in respect of W.P.Nos. 7870 and 8130 of 2007, the land owners were already sold their lands covered in the 'C' Form Notice to other persons before passing award. After examining all the relevant factors, the Government have decided and approved notice in Form 'C' and published in Tamil Nadu Government Gazette No.238 Extraordinary Part II, Section II at page 3-4 dated 07.09.2006. Also the possession of the lands covered in that 'C' Form Notice was taken on 01.12.2006 after publishing 'E' Form Notice to the interested persons.

6. In view of the above and since the petitioner is not interested to pursue the matter, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

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Krishnagiri

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SIPCOT
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rep. by Secretary to Government
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+1 CC to Mr.Sundharshana Sundar, Advocate sr 60118
+1 CC to Mr.R. Poornima, Advocate sr 61159.

W.P.No. 22741 of 2008

VBA(CO)
SP(25/11/2019)

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