

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.6778 OF 2009

A.Abdul Rahim Sahib

... Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Secretary,
Industries Department,
Fort St. George,
Chennai-600 009.
 2. The District Collector,
District Collector's Office,
Krishnagiri,
Krishnagiri Dt.
 3. The Special Tahsildar (Land Acquisition),
SIPCOT, Hosur,
Krishnagiri District.
- Respondents

PRAYER :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in connection with the Award dated 15.12.1993 and quash the same and consequently direct the 2nd respondent to refer the Award to the Hon'ble Sub-Court, Hosur to fix the value of the petitioner's land in Survey No.432/2 in Moranapalli Village, Hosur Taluk, Krishnagiri District under Section 18(1) of the Land Acquisition Act.

For Petitioner : Mrs.M.D.Thirunavukkarasu

For Respondents : Mr.M.Elumalai,
Govt. Pleader

O R D E R

This Writ Petition has been filed challenging the impugned order of 2nd respondent in connection with the Award dated 15.12.1993 and quash the same and consequently direct the 2nd respondent to refer the award to the Hon'ble Sub-Court, Hosur to

fix the value of the petitioner's land in Survey No.432/2 in Moranapalli Village, Hosur Taluk, Krishnagiri District under Section 18(1) of the Land Acquisition Act.

2. The case of the petitioner is as follows :-

The petitioner is the owner of the land in Survey No.432/2 measuring an extent of 1.07 acres situated in Moranapalli Village Hosur Taluk and the land was acquired for the purpose of development of SIPCOT Industrial complex under Sec.4(1) of the Land Acquisition Act and the 2nd respondent has conducted an enquiry under Sec.5A of the Land Acquisition Act. After following the procedures, the award was also passed in Award No.7/1993 dated 15.12.1993. Even though the petitioner has made his objection and also made a representation to refer the matter for determining the compensation before the competent civil court under Sec.18(1) of the Land Acquisition Act, the same was not considered by the respondents. Hence, the petitioner having no other option except to approach this Court under Art. 226 of Constitution of India, has filed the present Writ Petition.

3. The learned Government Pleader, on instructions, would submit that though the award was passed and the compensation was fixed, subsequently, the 3rd respondent himself has already taken steps to refer the matter to the competent civil court viz., Sub-Court, Krishnagiri under Sec.18 of the Land Acquisition Act. But, inadvertently, the learned Sub-Court has not furnished the number of L.A.O.P. and hence, he prayed this Court to pass appropriate orders.

4. In view of the above, as the 3rd respondent has already taken steps to refer the matter to the competent civil court viz., Sub-Court, Krishnagiri under Sec.18 of the Land Acquisition Act, if any reference is made, the learned Sub-Court, Krishnagiri is directed to assign L.A.O.P. number and dispose the matter in accordance with law within a period of six months from the date of receipt of the copy of this order. Accordingly, this the Writ Petition stands disposed of. No costs.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Secretary,
State of Tamil Nadu,
Industries Department,
Fort St. George,
Chennai-600 009.
2. The District Collector,
District Collector's Office,
Krishnagiri,
Krishnagiri Dt.
3. The Special Tahsildar (Land Acquisition),
SIPCOT, Hosur,
Krishnagiri District.
4. The Subordinate Judge,
Krishnagiri.

+1cc to Mrs.M.D.Thirunavukkarasu, Advocate, S.R.No.51875
+1cc to the Government Pleader, S.R.No.51735

W.P.6778 of 2009

RK(CO)
CS/25/07/2019



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