

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6419 of 2011

1.Venkatasamy
2.Nanjundappa
3.Pushpa
4.Harish
5.Mallika
6.Sharadhamma
7.Rupa
8.Madhu

.... Petitioners

Vs.

1.The Land Acquisition Officer cum
The Special Tashildar (Land Acquisition)
Housing Scheme,
Hosur.

2.The District Collector, Hosur,
Krishnagiri District.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents herein to re-determine the compensation for the land situate in S.No.799/1, extent of 0.59.0 Hectare, situate at Channathur Village, Hosur Taluk, Dharmapuri District as per the provision of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(Prayer amended as per order dated 16.04.2015 by TSSJ in MP.1/2014 in WP.6419/2011.)

For Petitioners : Mr.V.Raghavachari

For Respondents : Mr.M.Elumalai

Government Advocate

O R D E R

The writ petition has been filed seeking issuance of Writ of Mandamus to direct the respondents herein to re-determine the compensation for the land situate in S.No.799/1, extent of

0.59.0 Hectare, situate at Channathur Village, Hosur Taluk, Dharmapuri District, as per the provision of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2.The case of the petitioners is that the property at Survey No.799/1 measuring an extent of 0.59.0 hectares in Sanasandiram Village, Chennathur Post, Hosur Taluk, was originally owned by one Chinnappa who is the father of the petitioners 1 and 2 and grandfather of the petitioners 3 to 8 and after his death, his legal heirs succeeded the estate and they were carrying on agricultural operations. While being so, the property was subjected to acquisition proceedings and award dated 02.09.1994 was passed in Award No.22 of 1994. At the time of enquiry, the legal heirs of the said Chinnappa opposed the quantum fixed by the respondent and also approached the respondents and sought for reference. Since even after a lapse of 16 years, no action was taken by the respondents to refer the matter to Civil Court, the petitioners who are the sons and grandchildren of the said Chinnappa have filed this writ petition.

3.Though the petitioners initially filed the writ petition seeking issuance of Writ of Mandamus to direct the respondents to refer the award dated 02.09.1994 passed in Award No.22 of 1994, under Section 18 of the Land Acquisition Act, 1894, insofar as the petitioners land is concerned, during the pendency of the writ petition, they amended the prayer as that of seeking issuance of Writ of Mandamus to direct the respondents to re-determine the compensation for the land situate in S.No.799/1, extent of 0.59.0 Hectare, situate at Channathur Village, Hosur Taluk, Dharmapuri District as per the provision of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4.Though the award was passed in the year 1994, there is no proper explanation in the writ petition as to why the writ petition was filed in the year 2011 after a lapse of nearly 17 years.

5.In view of the above, this Court is not inclined to entertain this writ petition. The writ petition is accordingly dismissed. No costs.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

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To

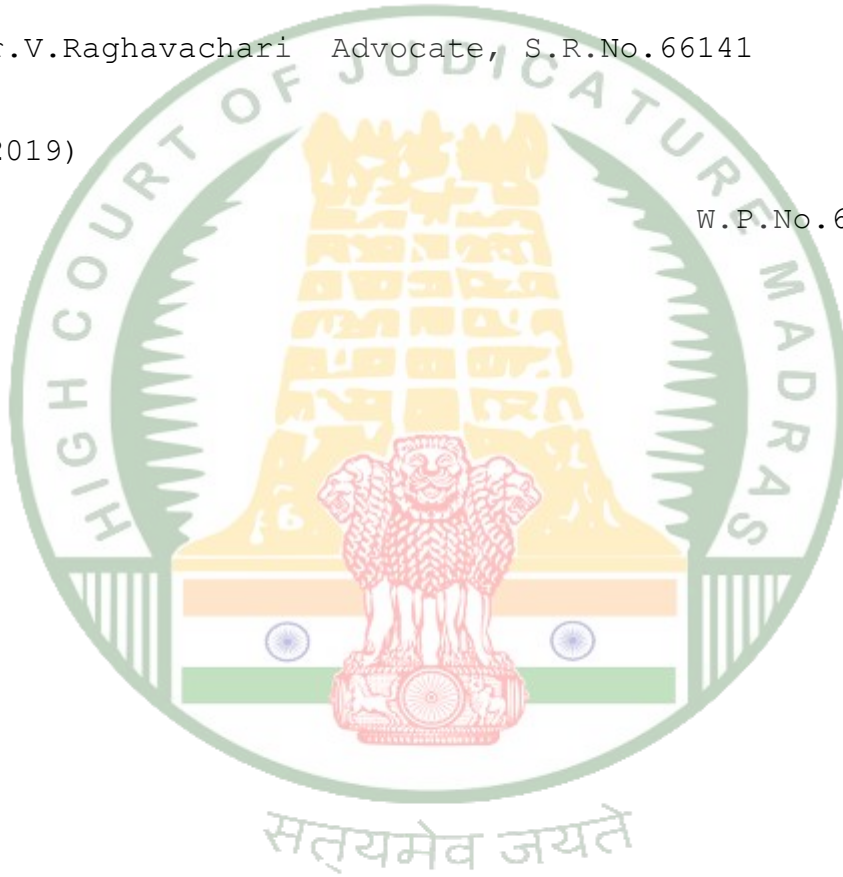
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Hosur.

2.The District Collector, Hosur,
Krishnagiri District.

+1cc to Mr.V.Raghavachari Advocate, S.R.No.66141

GP(CO)
CB(17/09/2019)

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