IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7213 of 2011

S.Parithimaan ... Petitioner

Vs.

1.The District Collector,
Krishnagiri.

2.The Land Acquisition Officer – cum –
Special Tashildar, Sipcot, Hosur. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to refer the matter to the Civil Court/ Reference Court for enhancement of compensation for acquisition of the property situate at S.No.140/2B of an extent of 25 cents at Mooranampalli Village, Hosur, to the Subordinate Court, Hosur.

For Petitioner : Mr.V.Raghavachari
For Respondents : Mr.M.Elumalai
Government Advocate

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O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the first respondent to refer the matter to the Civil Court/ Reference Court for enhancement of compensation for

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acquisition of the property situate at S.No.140/2B of an extent of 25 cents at Mooranampalli Village, Hosur, to the Subordinate Court, Hosur.

2.The case of the petitioner is that his land in S.No.140/2B to an extent of 25 cents at Mooranampalli Village, Hosur, was acquired at the instance of SIPCOT, for the development of Industrial Units. According to the petitioner, he purchased the same vide registered document dated 31.08.1999. On coming to know about the acquisition, the petitioner objected to it, however, after acquisition, he made representation to the second respondent for payment of compensation to the land acquired. He also made further representation on 12.11.2008 to the second respondent requesting to pay a sum of Rs.50 Lakh per Acre and the same was acknowledged by the second respondent on 17.11.2008. The petitioner also sought for reference under Section 18 of the Land Acquisition Act, in the event of the respondent unwilling to pay the compensation as demanded. Aggrieved by the inaction on the part of the respondents, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit

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that in a similar case, in the very same Survey number another land owner approached this Court by filing writ petition in W.P.Nos.3422 to 3426 of 2010 and this Court by order dated 25.03.2010 disposed of the writ petitions by directing the Collector to refer the matter to the Reference Court within eight weeks from the date of receipt of a copy of that order. He would further submit that as per the direction of this Court, the respondent therein referred the matter before the competent Civil Court and the Civil Court entertained the reference and assigned L.A.O.P.Nos.4 to 6 of 2010.

4.In such view of the matter, the second respondent is directed to refer the matter to the competent Civil Court within a period of eight weeks from the date of receipt of a copy of this order. After such reference, the competent Civil Court is directed to assign L.A.O.P. Number and is further directed to hear the said L.A.O.P. along with the connected L.A.O.Ps. if pending before the Court.

5.The writ petition is allowed on the above terms. No costs.

19.08.2019

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

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M.DHANDAPANI,J.
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To

1.The District Collector,
Krishnagiri.

2.The Land Acquisition Officer – cum –
Special Tashildar, Sipcot, Hosur.

HIGH COURT OF JUDICATURE MADRAS
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