

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.8946 of 2011

1.Sriramulu

2.Prakash

3.Gurunath
Petitioners

Vs

1.The District Collector
Krishnagiri

2.The Land Acquisition Officer-cum
-Special Tahsildar, SIPCOT, Hosur ..Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of 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.439/1, 439/2, 440/1 and 440/2 to an extent of 1.09.5 hectare, Mornapalli Village.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.V.Anandhamoorthy,
Addl Govt.Pleader
for R1 and R2.

ORDER

This Writ Petition is filed praying 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.439/1, 439/2, 440/1 and 440/2 to an extent of 1.09.5 hectare, Mornapalli Village.

2. It is averred in the Writ Petition that the Petitioners' lands were acquired for the purpose of development of industrial estate. The grievance of the Petitioners is that the 2nd respondent awarded a very meagre sum

of compensation in the Award Proceedings No.3/2007. Therefore, they raised objection stating that the value of the property will fetch more.

3. The learned Additional Government Pleader reiterated the submissions made in the counter affidavit and submitted that as per Award No.3/07 dated 22.03.2007 of the Special Tahsildar (LA) SIPCOT, Hosur, the lands were notified for acquisition under Central Act 1/1894 as amended by Act 1/1984 and subsequently switched over to the Tamil Nadu Acquisition of Lands for Industrial Purpose Act 1997 Act 10/99. The Pattadars were dealt as per the rules of the said Acts. The lands were jointly registered in the revenue records in the names of (1) Anjappa, (2) Pappiah (3) Venkatamma (4) Narayannappa in Patta No.29 of Mornapalli Village, Hosur Taluk. The Land Acquisition Officer posted the Award enquiry to acquire the above lands on 23.02.2007 at Sub Collector Office, Hosur. The first Pattadar is no more. His legal heirs are 1.Venkatalakshamma (2) Sriramalu (3) Parvathamma (4) Saraswathamma (5) Amaravathi (6) Prakash (7) Basamma (8) Padma (9) Gurunath. They did not produce any documentary evidence. One Thiru.Munichowdappa appeared for the award enquiry on 23.02.2007 and presented a petition stating that a civil dispute is pending on the lands in A.S.No.363/93 before this court. The Land Acquisition Officer, deposited the compensation Rs.2,81,138/- before the Sub Court, Hosur, and a reference u/s.9 of the Industrial Land Acquisition Act, 10/1999 was made. It is further stated in the counter that enhancement of compensation can be claimed u/s.8 of the Industrial Land Acquisition Act 10/1999 and not u/s.18 of the Act. The Petitioners have not revealed any required evidence for the ownership of the property acquired in S.No.439/1, 439/2, 440/1 and 440/2. It is further stated that no written petition is received from the Petitioners for enhancement of compensation.

4. The learned Additional Government Pleader, on instructions, would submit that the petitioners have not raised any objection during the award enquiry and did not make any protest at the time of receiving the compensation. Subsequently, Appeal Suit No.363 of 1993 was dismissed by this court.

5. A perusal of the entire materials available on record would disclose that the Award proceedings was passed in the year 2007 and the petitioners have filed the writ petition in the year 2011 that is after four years, that too, when there is no objection or protest raised by the Petitioners to refer the dispute under Section 8 of the Act. The Petitioners have also not placed any other material before this court to substantiate

their contention that they raised objection before the authority and application for reference for enhancement of the compensation amount is made. Therefore, the Writ Petition lacks merit. Accordingly, the same is dismissed. No costs.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

nvsri

To

1.The District Collector
Krishnagiri

2.The Land Acquisition Officer-cum
-Special Tahsildar, SIPCOT, Hosur

+1 CC to The Govt. Pleader sr 8759.

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CP(CO)
SP(11/03/2019)