

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.34662 of 2018
and
W.M.P.No.40197 of 2018

T.M.Vijayarani Petitioner

Vs.

1. The District Collector, Collectorate,
Krishnagiri - 635 115.
2. The Special District Tahsildar
(Land Acquisition),
SIPCOT Stage - III, IV,
Gurubarapalli Krishnagiri District
- 3 SIPCOT Rep. by its Managing Director,
19-A Rukmani Lakshmipathy Road,
Egmore, Chennai - 600008
- 4 T.M.Thirupathi
S/o. Late. Chinna Munusamy Gounder,
HIG-117, Phase - 1, TNHB,
Krishnagiri Taluk and District
- 5 T.M.Sathiyamoorthy
S/o. Late. Chinna Munusamy Gounder,
No. 1, Krishnappa Layout, Krishnagiri
- 6 Dr.C.Manimegalai
W/o. Late. T.M.Venkatachalam,
Co-Operative Colony, 1st Cross Krishnagiri
- 7 V.Selvi
D/o. Late. T.M.Venkatachalam,
Co-Operative Colony, 1st Cross,
Krishnagiri.

- 8 V.Jayanthi
D/o. Late. T.M. Venkatachalam,
Co-Operative Colony, 1st Cross,
Krishnagiri
- 9 V.Arun Kumar
S/o. Late. T.M.Venkatachalam,
Co-Operative Colony,
1st Cross, Krishnagiri.
- 10 T.K.Brinuntha Sathish
D/o. Late. T.M.Krishnamoorthy,
HIG-278 TNHB Colony,
Krishnagiri District
- 11 T.K.Gowtham Prakash
S/o. Late. T.M.Krishnamoorthy,
HIG-278 TNHB Colony, Krishnagiri District
- 12 Santha Padmanabhan
W/o. Padmanabhan,
No. 1/ 22 New Market Road,
Thiruppur
- 13 D.Venkatarajulu
S/o. Late. Duraisamy Naidu,
Periya Kundharapalli Village,
Ramapuram Post,
Krishnagiri Taluk and District.
- 14 V.Venkatamanalan
S/o. D.Venkatarajulu,
Periya Kundharapalli Village,
Ramapuram Post,
Krishnagiri Taluk and District
- 15 V.Duraisamy
S/o. D.Venkatarajulu,
Periya Kundharapalli Village,
Ramapuram Post,
Krishnagiri Taluk and District
- 16 V.Baraneedharan
S/o. D.Venkatarajulu,
Periya Kundharapalli Village,
Ramapuram Post,
Krishnagiri Taluk and District

- 17 V.Sainath
S/o. D. Venkatarajulu,
Periya Kundharapalli Village,
Ramapuram Post,
Krishnagiri Taluk and District.
- 18 Sasireka
W/o. Late. Ramachandran Periya
Kundharapalli Village Ramapuram Post
Krishnagiri Taluk and District
- 19 R.Anbarasan
S/o. Late. Ramachandran,
Periya Kundharapalli Village,
Ramapuram Post,
Krishnagiri Taluk and District
- 20 R.Rajadurai
S/o. Late. Ramachandran,
Periya Kundharapalli Village,
Ramapuram Post,
Krishnagiri Taluk and District
- 21 R.Manunath
S/o. Late. Ramachandran,
Periya Kundharapalli Village,
Ramapuram Post,
Krishnagiri Taluk and District
- 22 Kalaivani
D/o. Late Ramachandran,
Periya Kundharapalli Village,
Ramapuram Post,
Krishnagiri Taluk and District
- 23 Sarojammal
W/o. Late Narasimma Naidu,
No. 35 Thomsanpet,
Kaveripattinam Post,
Krishnagiri Taluk and District
- 24 N.Rajendran
S/o. Late. Narasimma Naidu,
No. 35 Thomsanpet, Kaveripattinam Post,
Krishnagiri Taluk and District
- 25 N.Nagendran
S/o. Late. Narasimma Naidu,
No. 35 Thomsanpet, Kaveripattinam Post,
Krishnagiri Taluk and District.

- 26 S.Angaiyarkanni
W/o. Late. Surrendran,
Kaveripattinam Post,
Krishnagiri Taluk and District
- 27 Soundariya
D/o. Late. Surrendran,
Kaveripattinam Post,
Krishnagiri Taluk and District
- 28 Sathurkan Shimma
S/o. Late. Surrendran,
Kaveripattinam Post,
Krishnagiri Taluk and District
- 29 Sardeve Shimma (Minor)
S/o. Late Surendran Rep. by his mother and
Natural Guardian S.Angaiyarkanni,
Kaveripattinam Post,
Krishnagiri Taluk and District.
- 30 Nandhini
D/o. Late. Surrendran,
Rep. by his mother and
Natural Guardian S.Angaiyarkanni
Kaveripattinam Post,
Krishnagiri Taluk and District. Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1st respondent District Collector Krishnagiri to determine the person who are entitled to receive the compensation and the amount thereof in respect of acquisition of land in Survey No. 16 in Gurubarapalli Village of Krishnagiri District after giving all parties an opportunity of being heard.

For Petitioner : Mr.V.Prakash, Senior Counsel
for Mr.P.Ganeshram

For Respondents 1 & 2 : Mr.D.Raja, A.G.P.

For Respondent No.3 : Mrs.Sudharshanasundar

For Respondents 4,5&9 : Mr.Kandhan Duraisami

For Respondents 10to 14 : Mr.K.Venkatesan

For Respondents 6to8 & : No appearance (Notice sent,
15 to 30 returned unserved)

O R D E R

According to the petitioner, one K.R.Venkatappa Naidu and Chinna Munusamy Gounder jointly owned 410 acres and there was a partition suit namely O.S.No.7 of 2008 on the file of the Additional District Court, Krishnagiri wherein the petitioner was not made a party, preliminary decree was passed, directing the defendants therein to divide the suit scheduled properties into two equal shares and allot one share to the plaintiff namely, D.Venkatarajulu and others. Thereafter, the petitioner was impleaded in the suit and produced the documents to show that the petitioner is the daughter of Late Chinnammal and late Chinnammal was the 2nd wife of Chinna Munusamy Gounder.

2. In this background, the Government has deposited the compensation amount with the District Collector, the first respondent herein for payment. It is submitted that the land acquisition was done by the Government of Tamil Nadu under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1999. As per Section 9 of the said Act, it is for the District Collector to determine the persons who are entitled to receive the compensation amount and the amount payable to each of them. The claim of the petitioner was totally ignored by the authorities. So far no order has been passed by the first respondent either accepting the claim or rejecting her claim. The compensation fixed by the authorities is around Rs.1,72,00,000/- per acre and if all the amount is distributed, the petitioner will not be able to recover her share. Therefore, the petitioner made a representation on 17.12.2018. The petitioner was informed that the amount will be disbursed on or before 31.12.2018 without any notice to the petitioner. Hence, the petitioner has filed the present writ petition before this Court for the aforesaid prayer.

3. The first respondent has filed counter affidavit wherein it is stated that lands comprised in S.No.16/1B2A and 16/1B2B, situated in Kurubarapalli Village, total extent of 40.57.5 heactares belongs to the respondents 4 to 30 and others was acquired by the department for the purpose of establishing Industrial Complex in Kurubarapalli Village in Krishnagiri Taluk. It is submitted that the subject matter of the lands are acquired under the provisions of Tamil Nadu Acquisition of lands for Industrial purpose Act, 1997. But compensation was paid as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. According to the first respondent, petitioner is the sister of the respondents 4 & 5. As per Government records, the petitioner is not the owner of the subject lands. Further, it is submitted that the petitioner's

name does not find place in the Government records. Further, the petitioner has no records or documents to establish her claim that the subject land belongs to her. Hence, the petitioner is not eligible for compensation in the subject matter of acquisition of lands. This Court by order, dated 28.12.2018, granted interim stay.

4. The learned Senior counsel appearing for the petitioner has drawn the attention of this Court to Section 9(1) of the Land Acquisition Act, according to which when several persons claimed to be interested in the land, the District Collector has to determine the amount payable to each of the land owners. In the case in hand, the petitioner was not paid any compensation amount. If the amount is paid, section 9(1) of the Act would attract, for payment of compensation to the interested persons. In the counter affidavit filed by the first respondent, it is stated that the petitioner is not entitled to any compensation amount, by relying upon the Partition deed, Settlement deed. But the issues have been pending under Section 9(2) of the Act. Therefore, the District Collector has acting as quasi judicial authority by contending in the counter affidavit that the petitioner is not entitled to compensation, without taking decision under Section 9 of the Act. Therefore, in the interest of justice, the parties had agreed that the dispute arises between the parties shall be decided by the District Collector, Dharmapuri under Section 9(1) or (2) of The Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

5. By consent of the learned counsel appearing for the petitioner, learned counsel for the contesting respondents 4, 5 & 9 and 10 to 14, the learned Additional Govt. Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for SIPCOT, this Court is inclined to pass the following order:

i) The District Collector, Krishnagiri is directed to forward all the records pertaining to the properties in S.No.16/1B2A and 16/1B2B to the District Collector, Dharmapuri for fresh consideration under Section 9 of the Act.

ii) On receipt of the aforesaid records pertaining to the application submitted under Section 9 of the Act, the District Collector, Dharmapuri is directed to consider the said application and pass orders in accordance with law, after providing opportunity to the interested parties, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions. No Costs. Till such time, no compensation amount pertaining to

the aforesaid land shall be paid to any of the parties.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector, Collectorate,
Krishnagiri - 635 115.
2. The District Collector,
Dharmapuri.
3. The Special District Tahsildar (Land Acquisition),
SIPCOT Stage - III, IV,
Gurubarapalli Krishnagiri District
4. The Managing Director,
SIPCOT, 19-A Rukmani Lakshmipathy Road,
Egmore, Chennai - 600008

+1 cc to Mr.K.Sudalaikannu, Advocate Sr.No.21192
+1 cc to Mr.K.Venkadesan, Advocate Sr.No.21276
+1 cc to Mr.Muthumani Doraisamy, Advocate Sr.No.21599
+1 cc to Mr.Sudharshana Sundar, Advocate Sr.No.21058
+1 cc to The Government Pleader, Sr.No. 21780

W.P.No.34662 of 2018 and

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SV(CO)
CSL/24.04.2019

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