

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.06.2020

CORAM

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No.27304 of 2012
(Heard through Video Conferencing)

Thimakka

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Petitioner

Vs.

1.The District Collector,
Krishnagiri District.

2.The Special Officer,
SIPCOT,
Land Acquisition Officer,
Krishnagiri District.

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Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus to direct the respondents to forthwith refer the award proceedings No.3 of 2007 dated 22.03.2007 under Section 8 of the Tamil Nadu Acquisition of Land For Industrial Purposes Act in respect of the property situated at Survey No.454 /1A measuring 50 cents, Moranapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.M.Elumalai,
Government Advocate

ORDER

Heard Mr.V.Raghavachari, learned counsel for the petitioner and Mr.M.Elumalai, learned Government Advocate appearing for the respondents.

2.The petitioner has filed this writ petition praying for a direction to the respondents to forthwith refer the award proceedings No.3 of 2007 dated 22.03.2007 under Section 8 of the

Tamil Nadu Acquisition of Lands For Industrial Purpose Act, 1997 (hereinafter refer to as "the Act"), in respect of the property situated at Survey No.454 /1A measuring 50 cents, Moranapalli Village, Hosur Taluk, Krishnagiri District.

3.This Court need not strain much to arrive at a decision in the present case, in the light of the submissions made in the counter affidavit filed by the second respondent in the writ petition. The second respondent has admitted in the counter affidavit that the petitioner / land owner felt that the market value determined by the Land Acquisition Officer was ridiculously low. If that is the state of affairs, though it goes without saying that there is a duty cast upon the Land Acquisition Officer, to refer the matter to the Civil Court under Section 8 of the Act, the Authority has misunderstood the scope of the Act and has made a reference under Section 9 of the Act which is stated to have been taken on file by the Subordinate Court, Hosur. The said reference is only with regard to the apportionment of amount and not for claim of enhanced compensation for which a reference under Section 8 of the Act is mandatory. Especially, when the respondents admit that the petitioner objected to the fixation of the land value and stated the value fixed is ridiculously low comparing the market value of the property. In respect of the very same acquisition proceeding, another erstwhile land owner by name S.Parithimaan filed a writ petition before this Court in W.P.No.7213 of 2011 which was allowed by order dated 19.08.2019 directing the Land Acquisition Officer to refer the matter to the competent Civil Court within a time frame and the Civil Court was directed to assign LAOP Number. There is no difference between the case of the petitioner herein than that of the case of the petitioner in W.P.No.7213 of 2011.

4.In the result, the writ petition is allowed as prayed for and the respondents are directed to refer the matter to the competent Civil Court for enhancement of compensation under Section 8 of the Act, within a period of twelve weeks from the date of receipt of a copy of this order and the competent Civil Court shall take on file the reference and assign L.A.O.P., number for the case and hear the matter along with the other connected cases, if they are still pending. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

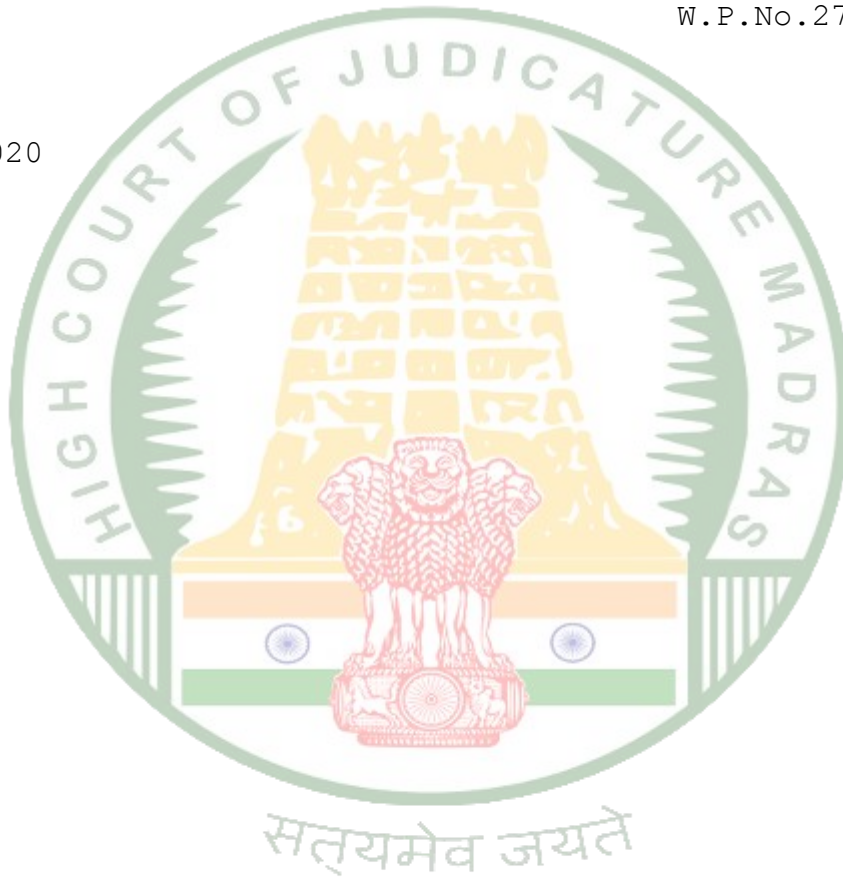
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To
1.The District Collector,
Krishnagiri District.

2.The Special Officer,
SIPCOT,
Land Acquisition Officer,
Krishnagiri District

W.P.No.27304 of 2012

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