

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.7084 of 2014

Munikrishnappa

... Petitioner

Vs.

1. The District Collector,
Krishnagiri.
2. The Special Thasildar,
Land Acquisition, SIPCOT,
Hosur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondents to pay compensation to the petitioner for acquiring the land in S.No. 445 Moranapalli Taraff and Village.

For Petitioner : Mr.S.C.Vishwanth
For Respondents : Mr.M.Elumalai
Additional Government Pleader

O R D E R

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents to pay compensation to the petitioner for acquiring the land in S.No.445, Moranapalli Taraff and Village.

2.It is the case of the petitioner that the respondents have acquired the land in S.No.445, Moranapalli Village, Krishnagiri District, however, they have not paid any compensation. In the affidavit, the petitioner has stated that he was in possession of the land for more than 30 years and converted the barren land into agricultural land. Hence, he is entitled for compensation.

3.However, the respondents filed their counter affidavit stating that the land in question is a government poramboke land and therefore, the petitioner is not entitled for any compensation.

4.The learned counsel appearing for the petitioner submitted that this Court, in W.P.No.9962 of 2006, by order dated 06.11.2012, had directed the respondents to pay compensation for the petitioner therein, who was in possession of the land in

S.No.445, Moranapalli Village, therefore, the petitioner is also entitled to compensation in view of the order passed by this Court in W.P.No.9962 of 2006. The learned counsel appearing for the petitioner submitted that the petitioner in W.P.No.9962 of 2006 had also received the compensation and therefore, the respondents should be directed to pay the compensation to the petitioner in the present writ petition.

5.Mr.M.Elumalai, learned Additional Government Pleader appearing for the respondents, submitted that the order passed in W.P.No.9962 of 2006 was challenged by the respondents by way of an appeal in W.A.No.1506 of 2014 and the Division Bench of this Court, by its judgment dated 07.02.2018, set aside the order passed in W.P.No.9962 of 2006 and allowed the writ appeal. Hence, the petitioner cannot rely upon the order passed in W.P.No.9962 of 2006. The learned Additional Government Pleader also produced a copy of the judgment passed in W.A.No.1506 of 2014, wherein, the Division Bench observed that there was no acquisition in respect of the land in S.No.445 and as such, there is no question of paying compensation to the writ petitioner, even if there was a lease in her favour.

6.In view of the judgment passed in W.A.No.1506 of 2014, the prayer sought for in this writ petition cannot be granted. Following the judgment of the Division Bench in W.A.No.1506 of 2014, this writ petition is liable to be dismissed and accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Krishnagiri.
2. The Special Tahsildar,
Land Acquisition, SIPCOT,
Hosur.

+1 cc to the Government Pleader, Advocate Sr.No.30070

W.P.No.7084 of 2014

ajs(co)
rv(25/9/2020)