



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.11.2021

Coram:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6258 of 2020

Thirumallappa

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Public Works Department,
Chennai.

2. The District Collector,
District Collectorate Office,
Krishnagiri.

3. The District Revenue Officer,
Krishnagiri - 635 115.

4. The Executive Engineer (PWD),
Water Resources Organisation,
Melapenniyaaru Kottam,
Dharmapuri.

5. The Divisional Engineer,
Water Resources Organisation,
Railway Station Road,
Hosur - 635 109.

6. The Tahsildar,
Office of Tahsildar,
Hosur - 635 109.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the respondents to consider the petitioner's representation dated 30.12.2019, wherein requesting to pay the enhanced compensation as awarded vide Award dated 02.04.2008 in LAOP No.34 of 2004 by the learned Sub Judge, Hosur.



For Petitioner : Mr.T.Vedi
For Respondents : Mr.A.Selvendran
Government Advocate.

ORDER

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This Writ Petition has been filed for issuance of writ of mandamus, directing the respondents to consider the petitioner's representation dated 30.12.2019, wherein requesting to pay the enhanced compensation as awarded by the learned Sub Judge, Hosur vide Award dated 02.04.2008 in LAOP No.34 of 2004.

2. Heard, Mr.T.Vedi, learned counsel appearing for the petitioner and Mr.A.Selvendran, learned Government Advocate appearing for the respondents.

3. The property measuring 0.26.0 hectares of land in Survey No.179/3 situated at Thorapalli Agraharam Village, Hosur Taluk, Krishnagiri District, owned by the petitioner's mother. The first respondent initiated acquisition proceedings for the purpose of Kelavarapalli Water Reservoir Project under G.O.Ms.No.35(A), dated 12.09.2001. The land owners were called for objections including the petitioner's mother and the petitioner's mother had appeared for enquiry and raised her objections and requested compensation at Rs.10,00,000/- for her land. However, the land acquisition officer had fixed Rs.51,504/- as compensation. On the objections raised by the petitioner's mother, she preferred a petition in LAOP No.34 of 2004 before the Sub Court, Hosur for enhancement of compensation. The Sub Court, Hosur enhanced the compensation of the petitioner's mother's land at Rs.4,97,890/- by an award dated 26.03.2008. However, the respondents did not prefer any appeal as against the said enhanced award. Even then, they did not deposit any enhanced award amount and as such, the petitioner had sent repeated representation for depositing the enhanced compensation amount. In pursuant to the same, the first respondent has passed G.O.Ms.No.166, dated 29.11.2016, thereby sanctioning the enhanced compensation amount for making pre-deposit before the Sub Court, Hosur.

4. That apart, the first respondent also requested the Revenue Department to initiate appropriate action as against the acquisition officer and the authorities concerned for their failure to prefer any appeal as against the enhanced award passed by the Sub Court, Hosur in LAOP No. 34 of 2004. Thereafter, on 20.11.2012, the mother of the petitioner died and the petitioner made a representation to disburse the enhanced compensation amount.

5. Considering the above, the respondents are directed to disburse the enhanced compensation amount to the petitioner on



production of legal heirship certificate of his deceased mother i.e., Akkayamma, wife of Venkatagiriappa, forthwith, if not filed any appeal as against the award passed in LAOP No.34 of 2004 on the file of the Sub Court, Hosur. It is also made clear that the respondents may deposit the compensation amount as per the G.O.Ms.No.166, dated 29.11.2016 passed by the first respondent, the petitioner has to file a necessary application before the Court concerned for disbursement of compensation.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
State of Tamil Nadu,
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+1cc to Mr.R.Bharathkumar, Advocate, S.R.No.57575

W.P.No.6258 of 2020

RSV[co]
NSK 02/12/2021