



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.14924 OF 2017

G.Munichowdappa

... Petitioner

.Vs.

The Special Tahsildar,
Land Acquisition,
SIPCOT, Hosur Taluk - 635 126,
Hosur, Krishnagiri District.

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to refer the case of petition in respect of land in S.No.439/1, 439/3 and 440 of Mornapalli Village, Hosur Taluk, Krishnagiri District to the Subordinate Court, Hosur under Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purpose Act 1997 based on the petition dated 01.10.2009.

For Petitioner : Mr.S.C.Vishwanth

For Respondent : Mr.A.Selvendran
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondent to refer the case of the petition in respect of land in S.No.439/1, 439/3 and 440 of Mornapalli Village, Hosur Taluk, Krishnagiri District to the Subordinate Court, Hosur under Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purpose Act 1997 based on the petition dated 01.10.2009.

2. Heard, Mr.S.C.Vishwanth, learned counsel appearing for the petitioner and Mr.A.Selvendran, learned Government Advocate appearing for the respondent.



3. The learned counsel for the petitioner submitted that the sole petitioner died.

4. The case of the petitioner is that the property comprised in Survey Nos.439/1, 439/3 and 440 situated at Mornapalli Village, Hosur Taluk, Krishnagiri District belongs to one E.Munusamy. The deceased petitioner had entered into an agreement for sale to purchase the said property. However, the said E.Munusamy had failed to execute the sale deed and as such, the petitioner filed a suit in O.S.No.94 of 1991 for specific performance on the file of the Sub Court, Krishnagiri. The said suit was decreed in his favour. Aggrieved by the same, the said E.Munusamy preferred an appeal before this Court in A.S.No.363 of 1993 and the same was also dismissed by a Judgment dated 06.09.2006.

5. On the strength of the decree passed by the Trial Court, the sale deed was executed in favour of the deceased petitioner on 20.03.2009 vide document No.2141 of 2009. In the mean time, the said land was acquired by the respondent for extension of SIPCOT, Hosur. The award amount has been deposited before the Sub Court, Hosur. The petitioner had submitted objections with regard to the ownership of the land and also determination of the value of the subject property for the compensation. However, it was referred only with regard to the ownership of the property in LAOP No.10 of 2009. In respect of the enhancement of compensation there is no reference. The petitioner made reminder dated 30.03.2015 for reference to enhance the compensation.

6. A perusal of the counter reveals that the petitioner failed to make an application within the stipulated time as contemplated under Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purpose Act 1997. Accordingly, the petitioner ought to have submitted an application within the period of 60 days from the date of award for enhancement of the award amount. Even after the judgment passed by this Court in A.S.No.363 of 1993 dated 06.09.2006, the petitioner did not raise any objections while depositing the amount into the Sub Court, Hosur.

7. As per the Judgment and Decree passed in O.S.No.94 of 1991, the sale deed was executed in favour of the petitioner on 20.03.2009. Even thereafter, the petitioner failed to make an application to refer the award for enhancement. Therefore, the deceased petitioner failed to make an application within the stipulated time for enhancement of compensation amount. Hence, the writ petition is devoid of merits.

8. However, if any adjacent land owners received any enhanced compensation, the legal heirs of the deceased



petitioner are at liberty to submit a fresh representation to claim the same enhanced compensation for their land.

9. With the above direction, the writ petition is disposed of. No order as to costs.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Lpp

To

The Special Tahsildar,
Land Acquisition,
SIPCOT, Hosur Taluk - 635 126,
Hosur, Krishnagiri District.

+lcc to Mr.S.C.Vishwanth, Advocate, S.R.No.57766
+lcc to the Government Pleader, S.R.No.57861

W.P.NO.14924 OF 2017

KSM(CO)
PBS/08/12/2021