



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.10398 OF 2013

S.Seshadri

... Petitioner

Vs.

1. The State of Tamilnadu by the Secretary to Government,
Housing and Urban Department,
Fort St. George, Madras-9.

2. The District Collector,
Krishnagiri District.

3. The Special Tahsildhar, Land Acquisition,
Hosur-635 109.

...Respondents

4. The Tamil Nadu Housing Board,
Hosur, Tamil Nadu

... 4th Respondent

(R4 impleaded vide order dated 19.02.2020
in W.M.P.No.33529 of 2019 in W.P.No.10398 of 2013)

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring that the acquisition proceedings initiated in respect of Survey No.850/2, Chenathur Village, Hosur Taluk, Krishnagiri District by the respondent no.1, as lapsed and unconstitutional on account of the non payment of compensation.

For Petitioner : Mr.V.Lakshmi Narayanan

For Respondents R1 to R3 : Mr.P.Sathish, AGP

For Respondent R4 : Dr.R.Gouri, SC



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to declare that the acquisition proceedings initiated in respect of Survey No.850/2, Chenathur Village, Hosur Taluk, Krishnagiri District by the 1st respondent, as lapsed and unconstitutional on account of the non payment of compensation.

2. The case of the petitioner is that, the petitioner is the owner of the property comprised in Survey No.850/2, Chenathur Village, Hosur, measuring an extent of 10 cents and the said land was acquired for the purpose of Hosur Neighbourhood Scheme. Though, the Award was passed in Award No.27/1994 dated 10.10.1994, however, till date, the compensation amount was not paid to the petitioner. Hence, the petitioner filed a writ petition in W.P.No.34739 of 2002 and this Court, vide order dated 24.09.2003, directed the 2nd respondent therein to refer the said award under Section 18 of the Land Acquisition Act to the Sub-Judge, Hosur, Dharmapuri District within a period of four months, and as the same was not complied with by the respondent, the petitioner has come up with the present writ petition, challenging the acquisition proceedings initiated by the 1st respondent.

3. Learned counsel for the petitioner submitted that, though the petitioner is the owner of the property in S.No.850/2, however, he has inadvertently mentioned the survey number as S.No.815/2 instead of S.No.850/2 in W.P.No.34739 of 2002. However, the 2nd respondent has not complied with the order of this Court, solely on the ground that the petitioner has wrongly mentioned the Survey Number, which is not sustainable. Hence, he prayed for appropriate orders.

4. Learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 submitted that, as the petitioner has wrongly mentioned his Survey number as 815/2, instead of 850/2, the order of this Court was not complied with by the respondents. However, he fairly conceded that, the 3rd respondent will refer the matter to the Sub-Judge, Hosur, under Section 18 of the Act for enhancement / fixation of the fair compensation amount.

5. Heard the arguments advanced by the learned counsel on either side and perused the materials available on record.

6. In view of the above submissions made by the learned counsel on either side, though the petitioner has wrongly mentioned the Survey number as S.No. 815/2 instead of 850/2, it



is the duty of the Land Acquisition Officer, to verify the details and pass award in favour of the petitioner, however, stating the same as a reason for not complying the order of this Court is not sustainable. Hence, this Court issues direction to the 3rd respondent to refer the Award No.27/1994 dated 10.10.1994, under Section 18 of the Land Acquisition Act to the Sub-Judge, Hosur for fixation of the fair compensation in respect of the acquisition of the petitioner's land in S.No.850/2, within a period of four weeks. On receipt of the said reference, the Sub-Judge, Hosur is directed to conclude the LAOP proceedings within a period of twenty four weeks thereafter. Further, the revenue deposit may be transferred to the LAOP Court, enabling the LAOP Court to pass appropriate orders.

7. With the above direction, this Writ Petition is disposed of. No cost.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

skt

To

1. The State of Tamilnadu by the Secretary to Government, Housing and Urban Department, Fort St. George, Madras-9.
2. The District Collector, Krishnagiri District.
3. The Special Tahsildhar, Land Acquisition, Hosur-635 109.
4. The Tamil Nadu Housing Board, Hosur, Tamil Nadu
5. The Subordinate Judge, Hosur.

+1cc to M/s.V.Raghavachari, Advocate, S.R.No.17967

+1cc to the Government Pleader, S.R.No.18138

W.P.No.10398 of 2013

MT (CO)

RLP (20/04/2022)