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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.02.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8492 of 2010

and

M.P.No.1 of 2010

1. H.R. Sathyannarayana Rao (deceased)
2. Mrs. H.S. Padmini Rao
3. Mr. H.S. Ramesh Chandra ...Petitioners
(P2, P3 are substituted as LRs of Deceased
as per order dated 16.10.2019 in
W.M.P. No. 25433/2019
in W.P. No. 8492/2010)

Vs

1. The State of Tamil Nadu
rep by the Chief Secretary to Government,
Govt. Secretariat, Chennai-60 009.
2. The Secretary to the Government,
Public Works Department (Irrigation)
Fort St. George, Chennai-600 009.
3. The Commissioner, Land Administration,
(Land Acquisition), Ezhilagam Buildings,
Chepauk, Chennai-600 005.
4. The District Collector, Krishnagiri District,
Krishnagiri, Tamil Nadu.
5. The Special Tahsildar for Land Acquisition,
Kelavara Palli Reservoir Project,
Hosur-635 109-
Krishnagiri District. ...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to proceed with the provisions of Land Acquisition Act under Section 17(2) Emergency provisions forthwith by publishing Notification under Section 4(1) as well



as a declaration under Section 6 of the Act and also complete the award proceedings as per the provisions of the Act in regard to the lands in the villages of 1) Thimmasandram, 2) Byrasandram, 3) Chennasandram and 4) Elayasandram in Hosur Taluk, Krishnagiri District totally measuring an extent of 149.64.5 Hectares covered by G.O.Ms.No.275 PWD (S2) dated 26.5.2000 and pay immediately 80% of such compensation as per Section 17(3) of the Act by a date to be fixed by this Court.

For Petitioner : Mr. K. Chandrasekaran
For Respondents : Mr. M. Muthusamy,
Government Advocate

O R D E R

The present petition has been filed seeking a direction to the respondents to complete the award proceedings as per the provisions of the Land acquisition Act in respect of the subject lands covered by G.O.Ms.No.275 PWD (S2) dated 26.05.2000, situated in the villages of Hosur Taluk, Krishnagiri district and to pay the compensation as per Section 17(3) of the Act within the time stipulated by this Court.

2. It is the case of the petitioner that the petitioner and his brothers are the joint owners of the subject lands situated in four villages namely Chennasandram, Elayasandarum, Byrasandram & Marasundaram in Hosur Taluk, wherein, a proposal has been made for laying a foundation for construction of a shed for the purpose of proposed Kelavara Palli Reservoir Project scheme, despite of protest by the land owners, the said lands were entered into and the dam was constructed pursuant to the aforesaid proposal in the subject lands, Award proceedings in LAOP Nos.13 and 14 of 1989 was filed on the file of the Sub Court, Krishnagiri, which later stood transferred as LAOP Nos.81 to 91 of 1996 on the file of the Sub Court, Hosur and the same is pending. However, as apprehended by the petitioners, due to rise in the water level of the dam, the lands of the petitioners were submerged and aggrieved over the same, the petitioners had sent representation dated 16.9.1988. The petitioners had also filed writ petition in W.P. No.19129 of 1990 in which this Court had disposed of the petition issuing directions that the interests of the land owners to be safeguarded under the provisions of the Land Acquisition Act, as the acquisition has been made invoking the emergency provisions u/s 17 (2). Thereafter, Notification u/s 4 (1) and Declaration u/s 6 of the Act was forwarded by the 4th respondent to the 3rd respondent and proceedings were taken up for payment of compensation, but the



same is yet to yield any result. As neither acquisition compensation nor compensation towards damages have been paid by the Government, the livelihood of the petitioners is lost and the deprivation of the property, a constitutional right under Article 300 (A) had been infringed and, therefore, the present petition has been filed.

3. Learned counsel for the petitioner submits that for payment of compensation, the petitioner made a representation to the Land Acquisition Officer, however, till date, the said representation has not been considered. Hence, this Court may direct the 5th respondent who is the special tahsildar for land Acquisition Reservoir Project to conduct the adjudication for fixing the compensation amount in respect of the land which was submerged, pursuant to the construction of the dam and permit the petitioner to produce the records before the 5th respondent to establish his title in respect of the subject property.

4. On the above contentions, heard the learned Government Advocate appearing on behalf of the respondents and perused the materials available on record.

5. In view of the limited relief sought for, this Court, without going into the merits of the case, directs the petitioner to place the entire records for establishing his title in respect of the subject property before the 5th respondent within a period of four weeks from the date of receipt of a copy of this order and the 5th respondent is directed to consider the title of the petitioner to the subject lands and upon satisfaction, decide the payment of compensation under the relevant provisions of the Land Acquisition Act within a period of six weeks thereafter, without prejudice to the right of the petitioner for enhancement claimed in LAOP No.81 to 91/1996.

6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



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Kelavara Palli Reservoir Project,
Hosur-635 109-Krishnagiri District.
- +1 CC to Mr.K.Chandrasekaran, Advocate sr 8697
+1 CC to The Government Pleader sr 8994.

W.P.No.8492 of 2010

SPD(CO)
SP(11/05/2022)