

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6632 of 2014

1.Rajamma
2.Rathinamma

... Petitioners

Vs.

1.The District Collector,
Krishnagiri District.

2.The Special Officer, SIPCOT
Land Acquisition Officer,
Krishnagiri District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to refer the award proceedings No.3 of 2007 dt 22.3.2007 under section 8 of the Tamilnadu Acquisition of lands for Industrial Purposes Act in respect of the property situate at Survey No.454/1A, measuring 1.65 cents and S. No. 437/B1 measuring 0.60 cents, Moranapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.P.Sathish
Additional Government Pleader

O R D E R

The petitioner has filed this petition for issuance of writ of Mandamus to direct the respondents to refer the award proceedings No.3 of 2007 dated 22.3.2007, under section 8 of the Tamilnadu Acquisition of lands for Industrial Purposes Act, in respect of the property situate at Survey No.454/1A, measuring 1.65 cents and S. No. 437/B1 measuring 0.60 cents, Moranapalli Village, Hosur Taluk, Krishnagiri District before the competent Court.

2. The 2nd petitioner is the daughter of the 1st petitioner and he is the deponent of the affidavit on behalf of the 2nd petitioner. The case of the petitioner is that he owned lands in

Survey No.454/1A, measuring 1.65 cents and S. No. 437/B1 measuring 0.60 cents, Moranapalli Village, Hosur Taluk, Krishnagiri District and it was acquired by the Government of Tamil Nadu for the purpose of industrial development / SIPCOT and the total extent of the acquired land is 16.14.5 hectares and on the issue of determination of compensation, the land owners demanded a sum of Rs.50 lakhs per acre, however the respondent offered a meager sum of Rs.50,000/- per acre. When there is dispute with regard to the fixation of compensation, it is the duty of the respondents to refer the matter to the appropriate Court for determination of the fair market value under Section 8 of the above said Act and the respondents herein had also admitted to make such reference under Section 8 Tamil Nadu Acquisition of Land for Industrial Purpose Act, however, the respondents had failed to refer the matter to the Civil Court. Hence, the petitioners have filed this Writ Petition.

3. The learned counsel appearing for the petitioners submitted that the land was acquired under the Industrial Disputes Act and the Award was passed in Award No.3 of 2007. In the award proceedings, no proper procedure was adopted in the matter of acquisition and deliberately the lands are undervalued and further despite the petitioner's repeated request, the respondents had not considered the same and have not made reference to the Civil Court under Section 8 of the said Act, for enhancement of compensation and apportionment of compensation in terms of Section 9. Further, it is represented by the learned counsel for the petitioner that the Partition Suit was decreed in favour of the petitioners and the petitioners become the absolute owner of the property in question.

4. Though very many grounds have been raised, the learned counsel appearing for the petitioner submitted that issue raised in the present case is no longer resintegra as already the same was decided by this Court in W.P.No.3422 to 3426 of 2010, vide order dated 25.03.2010 and prays for allowing of this petition.

5. The learned Additional Government Pleader appearing for the official respondents submitted that for reference to be made either under Section 8 and 9 of the said Act, there must be application before the competent authority for determination of compensation and for apportionment. In the absence of any such request before the authority, the claim made by the petitioner cannot be acceptable and prays for dismissal of this petition.

6. Facts in the present case is not in dispute that admittedly the respondents acquired the land of the petitioner for the purpose of establishment of industrial units and they issued appropriate notices and passed the award in No.3 of 2007

dated 22.03.2007. A perusal of the award reveals that the petitioner specifically stated that with regard to the subject property, a Partition Suit was pending in between the petitioner and other legal heirs in O.S.No.17/2005, before the Additional District Court, Krishnagiri and similarly the petitioner also made request to refer the matter under Section 8 of the above said Act for determination of compensation before the competent Court and both the requests were not considered.

7. In the similar case, this Court in W.P.No.3422 to 3426 of 2010, vide order dated 25.03.2010, held as follows:

'The petitioners in all the cases suffered an award, which is passed by the Collector, In the award proceedings, it has been clearly stated that the petitioners are aggrieved by the compensation determined. The collector has also indicated in the award that for enhancing the compensation a reference will be made to appropriate Court.

2. In such view of the matter, the need to make specific request for referring the matter under Section 8 of Tamil Nadu Acquisition of Land for Industrial Purpose Act does not arise. The respondents having indicated that the matter will be sent to the Sub Court, cannot now insists that the petitioner should make a specific request or protest. The writ petitions have been filed to direct the respondents to refer the award proceedings to the Civil Court under the Provisions of the Land Acquisition Act .

3. Similar question was decided by this Court in WP No. 2384 of 2009 on 25.2.2010 relying upon the decisions of the Apex Court in RAJA HARISH CHANDRA RAJ SINGH - Vs. - DEPUTY LAND ACQUISITION OFFICER(A.I.R. 1961 SC 1500) and STEEL AUTHORITY OF INDIA LTD. - Vs. - SUTNI SANGAM AND OTHERS (MANU/SC/1329/2009).

4. In such view of the matter, the Collector is directed to refer the matter to the Reference Court within eight weeks from the date of receipt of a copy of this order. These writ petitions are disposed of accordingly. No costs. ''

8. Considering the above facts and circumstances and further in view of the decision of this Court in the similar Writ Petition, the 1st respondent is directed to refer the matter under Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, for determination of compensation, before the competent Forum and the said exercise shall be completed within a period of twelve weeks from the date of

receipt of a copy of this order.

9. For the reasons aforesaid, this Writ Petition is allowed. NO costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Krishnagiri District.
- 2.The Special Officer, SIPCOT
Land Acquisition Officer,
Krishnagiri District.

+1cc to Mr.V.Raghavachari, Advocate SR.No.20063

+1cc to Special Government Pleader SR.No.20324

W.P.No.6632 of 2014

SKM(CO)
GMY(28/04/2022)