



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.26752 of 2019

Lalitha

... Petitioner

-Vs-

1. The District Collector,
Krishnagiri.

2. The Land Acquisition Officer,
cum Special Tashildar,
SIPCOT, Hosur,
Krishnagiri.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to refer the matter concerning acquisition of the land in Survey number 275 measuring 2.34.5 hectares at Moranapalli Village, Hosur Taluk, Krishnagiri District, in respect of the subject matter of the award proceedings on the file of the second respondent under Award No.2/2007 under Section 8 of the Tamil Nadu Act 10/1999.

For Petitioner : Ms.R.Poornima

For Respondents: Mr.G.Ameedius
Government Advocate

ORDER

The Writ Petition has been filed to direct the respondents to refer the matter concerning acquisition of the land in Survey No.275 ad measuring 2.34.5 hectares at Moranapalli Village, Hosur Taluk, Krishnagiri District, in respect of the subject matter of the award proceedings on the file of the second respondent under Award No.2/2007 under Section 8 of the Tamil Nadu Act 10/1999.

2. The case of the petitioner is that her father owned property comprised in Survey No.275 ad measuring 2.34.5 hectare situated at Moranapalli Village, Hosur Taluk, Krishnagiri. Thereafter, the said property was settled in favour of the petitioner by the settlement deed dated 01.10.1992 registered vide document No.4335/1992. While being so, in the year 2001, the Government acquired the land to an extent of 59.44.5 hectare for establishment of SIPCOT Industrial Complex in Moranapalli Village of Hosur Taluk,



including the subject land. After completion of acquisition proceedings, the award had passed in Award No.2 of 2007 on 16.03.2007 by the second respondent herein. Challenging the said acquisition proceedings the petitioner filed a Writ Petition before this Court in W.P.No.22741 of 2008 and this Court by an order dated 16.07.2019, dismissed the said Writ Petition. Thereafter, the petitioner filed this Writ Petition with the above said prayer.

3. Heard Ms.R.Poornima, learned counsel appearing for the petitioner and Mr.G.Ameedius, learned Government Advocate appearing for the respondents.

4. On perusal of the counter filed by the second respondent the notice under Section 7(5) of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 (herein after called as "the Act") for enquiry, duly communication to the petitioner and other legal heirs of the petitioner's father and even after receipt of the same, they did not attend the enquiry. The petitioner or other legal heirs failed to co-operate for award enquiry and they did not turn up for enquiry and not presented any representation with regard to the acquisition of land for SPICOT. Therefore, the land acquisition officer viz., the Special Tahsildhar fixed the land value together with 30% of solutium with interest at the rate of 12%. Since the petitioner did not attend the enquiry, the entire compensation amount was deposited under the revenue deposit vide chellan No.126 dated 16.10.2007 in the Sub Treasury, Hosur.

5. After the laps of 12 years, the petitioner filed this Writ Petition for direction, directing the respondents to refer the matter before the Sub Court for enhancement of compensation as contemplated under Section 8 of the Act. That apart, the petitioner did not make any application to refer the matter for enhancement of award amount. The petitioner did not place any material before this Court to substantiate her contention that she submitted representation to refer the matter for enhancement of compensation amount of the award No.2 of 2007 dated 16.03.2007. In view of the above, the Writ Petition is devoid of merits and is liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar



To

1. The District Collector,
Krishnagiri.

2. The Land Acquisition Officer,
cum Special Tashildar,
SIPCOT, Hosur,
Krishnagiri.

+1cc to Ms.R.Poornima, Advocate SR.No.4503

+1cc to Government Pleader SR.No.5258

W.P. No.26752 of 2019

SSD(CO)
GMY(18/02/2022)