



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.32432 OF 2019

M.Latchumama

...Petitioner

Vs

1.The District Collector,
Krishnagiri.

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

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to refer the award proceedings in Award No.2 of 2007 and dated 16.03.2007 to the concerned Civil Court under Section 18 of the Land Acquisition Act, 1894 for getting a higher compensation insofar as the award of compensation in respect of the petitioner land are concerned, comprised in Survey No.269/1B measuring 0.19.5 hectares at Moornapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : M/s.A.Pramila
for M/s.R.Poornima

For Respondents : Mr.G.Ameedius
Government Advocate

ORDER

This writ petition is filed to issue a Writ of Mandamus to direct the respondents to refer the award proceedings in Award No.2 of 2007, dated 16.03.2007 to the concerned Civil Court under Section 18 of the Land Acquisition Act, 1894, for getting higher compensation, insofar as the award of compensation in respect of the petitioner's land is concerned, comprised in Survey No.269/1B, measuring 0.19.5 hectares, situated at Moornapalli Village, Hosur Taluk, Krishnagiri District.

2. The case of the petitioner is that, the land comprised in S.No.269/1B, ad-measuring an extent of 0.19.5 hectares, situated



at Mooranapalli Village, Hosur Taluk, Krishnagiri District, belonged to the petitioner and the said land was subjected to acquisition for industrial purposes. Since the petitioner's husband was ill, the petitioner attended the enquiry and submitted objections. Thereafter, the award was passed in Award No.2 of 2007 on 16.03.2007. Therefore, the petitioner sought for reference under Section 18 of the Land Acquisition Act for getting higher compensation for the subject land.

3. On a perusal of the counter affidavit filed by the second respondent, it reveals that, an extent of 15.93.0 hectares of land comprised in S.No.269/1B etc., situated at Mornapalli Village, Hosur Taluk, was acquired in the year 2007 for Expansion II of SIPCOT Phase II in Hosur Taluk. After acquisition, the award had been passed by the second respondent in Award No.2 of 2007, dated 16.03.2007. The land comprised in S.No.269/1B belonged to one Muniyappa, viz., the husband of the petitioner herein. The petitioner had attended the award enquiry on behalf of her husband and received a sum of Rs.50,013/- as compensation. The reference under Section 18 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 has been sent to the Sub Court, Hosur on 24.08.2007. It has been taken on file in LAOP No.36 of 2007. However, the land was wrongly assigned in the name of Munisamiyappa S/o.Obbaiah instead of Muniyappa, viz., the husband of the petitioner herein. The said LAOP.No.36 of 2007 related to the petitioner's land and due to inadvertence, the said LAOP was numbered in the name of the said Munisamiyappa S/o. Obbaiah and he is no way related to the subject land.

4. On a perusal of the order and decree dated 07.10.2009 in LAOP.No.36 of 2007, it is seen that the land comprised in S.No.269/1B was sub-divided as S.No.269/1A3 of an extent of 0.19.5 hectares of the land. In the said LAOP, the compensation amount had been enhanced to Rs.8 lakhs per acre along with other reliefs. Therefore, the Sub Court, Hosur is directed to correct the judgment and decree passed in LAOP.No.36 of 2007 in the name of the petitioner (since her husband Muniyappa died) and disburse the compensation to the petitioner.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

kv



To

1.The District Collector,
Krishnagiri.

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

3.The Subordinate Judge,
The Sub Court, Hosur.

+1cc to M/s.R.Poornima, Advocate Sr.No.4502

+1cc to the Government Pleader Sr.No.5261

W.P.No.32432 of 2019

EV(CO)
RVM(17/03/2022)