



WEB COPY



W.P.No.6461 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6461 of 2023

and

W.M.P.No. 6492 of 2023

V.Sivanandham

... Petitioner

vs.

1. The District Collector,
Krishnagiri.

2. The Sub Collector,
Hosur, Krishnagiri District.

3. The Special District Revenue Officer (Land Acquisition),
SIPCOT, Krishnagiri.

4. The Special Thasildar (land Acquisition),
Soolagiri Taluk, Krishnagiri District.

5. The Thasildar,
Krishnagiri.

6. K.Venkatesan

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the proceedings in Na.Ka. No.222/2021 / Ta.Ma. varu.A / K.Kri dated



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29.09.2022 passed by the 1st respondent and to quash the same and consequently direct the 1st respondent to disburse the compensation award payable to the Petitioner in respect of the acquisition of his property covered under Patta No.1367 to an extent of 0.92.5 hectares in S.No.58/1A1 and to an extent of 0.46.5 hectares in S.No. 58/ 1A3 and property covered under patta No. 553 to an extent of 0.84.00 hectares in S.No. 58/1B situated at Marudhandapalli Village, Soolagiri Taluk, Krishnagiri.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondents :
(for R1 to R5) : Mr.G.Krishna Raja,
Additional Government Pleader.
(for R6) : Not ready in Notice

ORDER

The relief sought in the present writ petition is to quash the order dated 29.09.2022, passed by the first respondent District Collector and direct the first respondent to disburse the compensation award paid to the petitioner.

2.The impugned order passed by the first respondent reveals that the 6th respondent herein instituted civil suit in O.S.No.38 of 2021, on the file



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of the Munsif Court at Hosur. The suit was instituted for declaration of title against the writ petitioner. It is not in dispute that the subject land was acquired for public projects. The compensation is yet to be settled since there is a title dispute between the petitioner and the 6th respondent. During the pendency of the title suit, the authorities competent may not be in a position to settle the compensation.

3.The High Court cannot conduct a roving enquiry with reference to the claim of the petitioner regarding ownership. Such disputed facts have to be adjudicated in a pending suit between the parties based on the documents and evidences. Any finding, factually made in a writ proceedings, would cause prejudice to either of the parties in establishing their case in the pending suit. Therefore, the parties are at liberty to establish their rights independently based on the documents and evidences.

4.In view of the fact that the Civil Suit instituted by the 6th respondent claiming title is pending, this Court does not find any infirmity in respect of the reasons stated in the impugned order. The writ petitioner is at liberty to submit an appropriate application after disposal of the civil litigations between the parties. It is needless to state that the compensation



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determined by the authorities is to be deposited before the appropriate Court in an interest bearing deposit scheme so as to avoid financial loss to the land losers.

5.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

07.07.2023

To

1. The District Collector
Krishnagiri.

2. The Sub Collector
Hosur, Krishnagiri District.

3. The Special District Revenue Officer (Land Acquisition)
SIPCOT, Krishnagiri

4. The Special Thasildar (land Acquisition)
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5. The Thasildar
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S.M.SUBRAMANIAM. J.,

(sha)

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