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W.P. Nos.28588 of 2017 and 18709 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

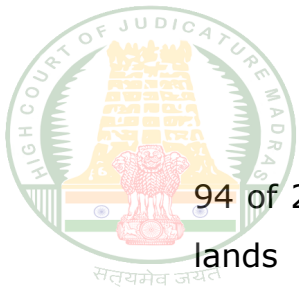
W.P. Nos.28588 of 2017 and 18709 of 2007
and

W.M.P.Nos.30756 of 2017 and 7821 of 2018

- | | | |
|----|--|----------------------------|
| 1. | C.P.Munikrishnappa | |
| 2. | C.P.Ramakrishnappa | Petitioners in both WPs |
| | | VS |
| 1. | The Special Tahsildar (LA)
SIPCOT
Hosur Taluk
Hosur
Krishnagiri District | |
| 2. | The District Collector
Krishnagiri District
Krishnagiri 635 001 | |
| 3. | Lokesh | |
| 4. | Munivenkatappa | |
| 5. | Jayappa | RR 1 to 5 in both WPs |
| 6. | The Subordinate Judge
Sub Court
Hosur
Krishnagiri District | R6 in W.P.No.28588 of 2017 |

Prayer in W.P.No. 28588 of 2017:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents 1 and 6 herein from disbursing the enhanced compensation amount awarded with respect to the lands in survey No.454/1B, Moranapalli Village, Hosur Taluk, Krishnagiri District (Award No.3/2007 and LAOP.Nos.92, 93 and



W.P. Nos.28588 of 2017 and 18709 of 2007

94 of 2007) to the respondents 3 to 5 till the title dispute over the said lands between the petitioners and the respondents 3 to 5 is finally decided under Section 9 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997.

(prayer amended *vide* order dated 29.01.2024 in W.M.P.No.34247 of 2023)

Prayer in W.P.No. 18709 of 2007:

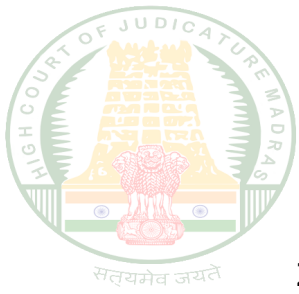
Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the 1st respondent to refer the award No.3/2007 dated 22.03.2007 with respect to survey No.454/1B, Moranapalli Village, Kumudhepalli Post, Hosur Taluk, Krishnagiri District under Sections 8 and 9 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

(prayer amended *vide* order dated 21.11.2023 in W.M.P.No.9978 of 2021)

For petitioners in both WPs	Mr.P.Mani
For RR1 and 2 in both WPs	Mr.A.Selvendran Spccial Government Pleader
For R3 to R5 in both WPs	Mr.A.Swaminathan
For R6 in WP.18709/2007	Court

COMMON ORDER

The issue involved in both the writ petitions being common, they are taken up together, heard and decided by this common order.



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2. W.P.No.18709 of 2007 has been filed seeking a writ of mandamus to direct the first respondent to refer the award No.3/2007 dated 22.03.2007 with respect to S.No.454/1B, Moranapalli Village, Kumudhepalli Post, Hosur Taluk, Krishnagiri District under Sections 8 and 9 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

3. W.P.No.28588 of 2017 has been filed for the issue of a writ of mandamus forbearing the respondents 1 to 6 from disbursing enhanced compensation amount awarded with respect to the land in S.Nos.454/1B in L.A.O.P. Nos.92,93 and 94 of 2007 to respondents 3 to 5, till the title dispute over the said land is finally decided under Section 9, *ibid*.

4. Heard Mr. P. Mani, learned counsel for the petitioners in both the writ petitions, Mr. A. Selvendran, learned Special Government Pleader for respondents 1 and 2 in both the writ petitions and Mr.A.Swaminathan, learned counsel for respondents 3 to 5 in both the writ petitions.

5. The case of the petitioners is that they are the owners of the subject property which was inherited by them from their father. The



further case of the petitioners is that patta no.280 was issued in the name of their father. All of a sudden, the patta was mutated in the name of respondents 3 and 4, who, according to the petitioners, have no right or title over the property. The petitioners approached the Sub Collector, Hosur, and sought for a relief of deletion of the names of the private respondents from the revenue records. The Sub Collector, Hosur, through proceedings dated 18.05.2006, rejected the appeal on the ground that there is a suit pending on the file of the District Munsif Court, Hosur, seeking for the relief of partition.

6. The petitioners came to know that an award has been passed to the effect that compensation with respect to S.No.454/1B was directed to be paid in favour of the private respondents and the said award has been put to challenge in W.P.No.18709 of 2007.

7. The private respondents, not being satisfied with the quantum of compensation awarded by the Special Tahsildar, filed L.A.O.Ps.92,93 and 94 of 2007 and the Reference Court had enhanced the compensation. The petitioners therefore filed W.P.No.28588 of 2017 to forbear the official respondents from disbursing enhanced compensation awarded in the land acquisition proceedings in favour of respondents 3 to 5 in W.P.No.28588 of 2017.



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W.P. Nos.28588 of 2017 and 18709 of 2017



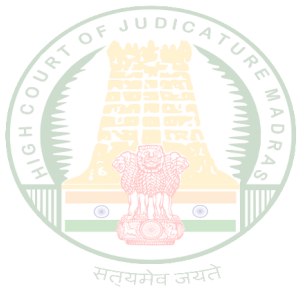
8. The first respondent has filed a counter affidavit. The first respondent has taken a stand that insofar as the subject property in S.No.454/1B, the patta stood in the name of the private respondents and there was no civil proceedings pending insofar as this property is concerned and therefore, the compensation was directed to be paid in favour of the private respondents. A further stand has been taken by first respondent to the effect that there is a serious dispute with respect to the ownership of the land in S.No.454/1A which could not be decided by the Land Acquisition Officer and therefore, the compensation was ordered to be deposited in the Civil Court and the parties were referred to the Civil Court. Thus, for the lands that were acquired in S.Nos.454/1A and 454/1B, compensation for S.No.454/1B belongs to respondents 3 to 5 and hence, compensation was directed to be paid to them. For the other property, the parties were directed to agitate their rights before the Civil Court. Thereafter, the private respondents sought for enhancement of compensation and filed LAOPs and the same were also allowed and the compensation was enhanced. Aggrieved by the same, the Land Acquisition Officer filed A.S.Nos. 471,472 and 473 of 2010 before this Court and an interim order was passed directing deposit of 50% of the enhanced amount together with interest. The same was deposited with reference to the property in S.No.454/1B and respondents 3 to 5 have withdrawn this amount. Subsequently, the three appeals came to be dismissed by judgment dated 06.07.2015.



9. The private respondents have also filed a counter affidavit.

They have taken a stand that they have nothing to do with the suit that is pending in O.S.No.387 of 2004 before the District Munsif Court, Hosur, since it does not pertain to the subject property in S.No.454/1B. They have taken a stand that their grandfather had purchased the property in the year 1944 and his name was also mutated in the revenue records in patta no.280 for the property in S.No.454. It was succeeded by the legal heirs and their names were mutated in the revenue records by sub-dividing the property in S.No.454/1B. According to the private respondents, the petitioners do not have any right or title for the property and they attempted to cancel the patta issued in the name of private respondents which was also rejected by the Sub Collector, Hosur, through proceedings dated 18.05.2006. Therefore, as true and lawful owners of the property, the private respondents are entitled to receive the compensation and in fact, 50% of the enhanced compensation amount that was deposited by the Land Acquisition Officer was also withdrawn by the private respondents during the pendency of the appeals before this Court. Accordingly, the private respondents have sought for dismissal of these writ petitions.

10. This Court carefully considered the submissions made by the learned counsel on either side and also perused the materials placed on record.



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11. When the matter came up for hearing on 20.02.2025, this Court passed the following order:

"Heard the learned counsel appearing on either side.

2. The petitioners, who are now claiming a right over the property and are agitating the writ petition from the year 2007, did not care to implead themselves in the LAOP proceedings or in the Appeal suits that were filed before this Court. If the petitioners really had any right over the property, it is quite unbelievable that the petitioners did not implead themselves before the reference Court and before this Court in the proceedings that took place in the year 2007 and 2010 respectively. After the entire proceedings have come to an end and private respondents have already withdrawn 50% of the compensation amount that was deposited and after the dismissal of the appeal, the entire amount has already been deposited before the Sub Court, Hosur in the year 2011, the petitioners want this Court to go into the dispute between the petitioners and the private respondents. There was absolutely no occasion either in the LAOP Court or for this Court to get into this issue. Hence, the petitioners must explain this Court as to why they did not implead themselves and participate in the LAOP proceedings and the AS proceedings.

3. The learned counsel for the petitioners seeks for some time to take instructions in this regard.

4. Post this writ petition under the caption "part heard cases" on 24.02.2025."

12. When the matter was taken up today, the learned counsel for the petitioners submitted that the petitioners could not have impleaded themselves as parties either in the LAOP proceedings or in the appeals that were filed before this Court since they were agitated by the private respondents. The learned counsel further submitted that the appeal filed by the petitioners against patta that was granted in favour of the private respondents came to be rejected only on the ground of



pendency of a suit and therefore, the parties will have to agitate their rights in the pending suit.

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13. In the considered view of this Court, the first respondent, while passing the award dated 22.03.2007, has individually considered the claim made for S.No.454/1B. A scanned version of the relevant finding of the first respondent is given below:

மோர்னப்பள்ளி கிராமம் புல எண். 4541 புஞ்சை பரப்பு 4.64.5 ஹெக்டேர் தீர்வை ரூ.02.87 கொண்ட நிலம் பட்டா எண். 1263 ல் தேவப்பா மக்கள் 1) கிருஷ்ணப்பா 2) சென்றாயப்பா 3) சிவி.கிருஷ்ணப்பா 4) சி.பி.இராமகிருஷ்ணப்பா 5) கௌரம்மா 6) சுப்பிரமணி 7) கங்காதரன் 8) முனிராஜ் 9) அனிதா 10) முனுசாமி மனைவி திம்மக்கா 11) சின்ன முனியப்பா மகன் செல்வம் ஆகியோர் பெயர்களில் பட்டாவாக பதிவாகியுள்ளது. இதில் பத்திர எண்.53544ன் படி மதனகிரியப்பாவுக்கு 1.3 பாகம் 4.67 ஏக்கர் பத்திர எண். 271644 ன் படி மதனகிரியப்பாவுக்கு 1.3 பாகம் 4.67 ஏக்கர் ஆக மொத்தம் 9.34 ஏக்கர் சுயாஜிதமாக பாத்தியப்பட்டது. மதனகிரியப்பா இறந்து விட்டார். அவர் மகன் ராமப்பா என்பவரும் இறந்துவிட்டார். ராமப்பாவிற்கு மகன்கள் 1) லோகேஷ் 2) முனிவெங்கடப்பாவுக்கு பிதுராஜிதமாக பாத்தியப்பட்டது. இவர்கள் இருவரும் மேற்கண்ட நிலத்தில் 4.07 ஏக்கர் நிலத்தை ஜெயப்பா த பெ. பைரப்பா என்பவருக்கு பத்திர எண்.50542004 நான்.2.9.04 ன் படி விற்பனை செய்துள்ளார்கள். மீதமுள்ள 4.07 ஏக்கர் நிலம் உட்பிரிவு செய்து 4541பி ன் படி பதிவு செய்யப்பட்டுள்ளது. இப்பதிவில் உள்ள 3.04.0 ஹெக்டேர் நிலம் 1)

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லோகேஷ் 2) முனிவெங்கடப்பா மற்றும் இவர்களின் மைனர் மக்கள் மீது தனிப்பட்டவாக பதிவு செய்யப்பட்டுள்ளது. மேற்படி பத்திரங்களின் அடிப்படையிலும் வருவாய் பதிவுகளின் அடிப்படையில் இவர்களுக்கு கீழ்க்கண்டவாறு ஈட்டுத் தொகை பெற தகுதி உடையவர் ஆகிறார்கள்.

1) லோகேஷ் மற்றும்		
2) முனிவெங்கடப்பா	3.44 ஏக்கர்	1.39.0
3) ஜெயப்பா		
த.பெ. பைரப்பா	4.07 ஏக்கர்	1.65.0
		
மொத்தம்		3.04.0



14. The first respondent, while passing this award, has taken note of the fact that the private respondents were claiming their right through title documents and also based on the revenue records standing in their name. The petitioners claim that patta originally stood in the name of their father and it was wrongly transferred in the name of the private respondents. The suit that was filed and which is pending before the District Munsif Court, Hosur, does not pertain to S.No.454/1B. Therefore, if the Sub Collector had rejected the appeal filed by the petitioners on the ground that the order passed by the Tahsildar cannot be interfered with on the ground of pendency of a suit, the petitioners ought to have challenged that order since the finding of the Sub Collector to the effect that the suit includes the property in S.No.454/1B also, is erroneous.

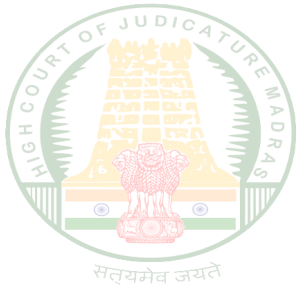
15. This Court, while testing the award dated 22.03.2007, must only see if it suffers from an error of law apparent on the face of the order. If, ultimately, this Court finds that such a finding has been rendered by the first respondent based on the materials available and it does not suffer from any illegality or lack of jurisdiction, the same cannot be interfered with by this Court while exercising its jurisdiction under Article 226 of the Constitution of India. Therefore, the decision taken by the first respondent to pay compensation in favour of the private respondents based on the fact that patta was standing in their



name, cannot be faulted. At the risk of repetition, it is seen that even the suit does not include the property in S.No.454/1B as one of the schedule properties. Therefore, pendency of the civil suit has nothing to do with the claim made by the private respondents which was purely considered based on the revenue records standing in their name.

16. This Court must also take into consideration the fact that the private respondents had taken steps to refer the matter to the Reference Court seeking for enhancement of compensation and such enhanced compensation was made and it was subsequently confirmed in appeals before this Court and right through all these proceedings, it is only the private respondents who were agitating the matter. That apart, 50% of the enhanced compensation amount that was deposited was also withdrawn by the private respondents during the pendency of the appeals.

17. In the light of the above discussion, this Court finds that the writ petitioners are not entitled to the reliefs sought in these writ petitions.



W.P. Nos.28588 of 2017 and 18709 of 2017

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18. Accordingly, both the writ petitions stand dismissed. No costs. Connected miscellaneous petitions stand closed.

03.03.2025

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W.P. Nos.28588 of 2017 and 18709 of 2007

N. ANAND VENKATESH, J.

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To

1. The Special Tahsildar (LA)
SIPCOT
Hosur Taluk
Hosur
Krishnagiri District
2. The District Collector
Krishnagiri District
Krishnagiri 635 001
3. The Subordinate Judge
Sub Court
Hosur
Krishnagiri District

Common order
W.P. Nos.28588 of 2017 and 18709 of 2007

03.03.2025