

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1610 of 2014

and

M.P.No.1 of 2014

Shanthi

W/o.C.M.Murugan

... Petitioner

vs.

1. State of Tamilnadu,
represented by its Secretary,
Industrial Department,
Fort St.George, Chennai 600 009.
2. State of Tamilnadu
represented by its Secretary, Revenue,
Fort St.George, Chennai 600 009.
3. The Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmipathi Salai,
Chennai 600 008.
4. The District Collector,
Kancheepuram West,
Kancheepuram District.
5. The Special Tahsildar, (Land Acquisition)
(SIPCOT, Oragadam Expansion Scheme),
Sriperumbudur Taluk Office,
Kancheepuram District.
6. The Tahsildar,
Sriperumbudur Taluk Office,
Sriperumbudur, Kancheepuram District

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 6th respondent to issue a separate patta after Sub Division, for petitioner's property in his name, comprising in Old Survey No.49/1B/1B of Oragadam Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.D.Stephen
For Respondents: Mr.M.L.Mahendran,
Government Advocate [R1, R2, R4, R5 & R6]

O R D E R

Heard Mr.D.Stephen, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate.

2. The petitioner seeks for issuance of a Writ of Mandamus to direct the sixth respondent to issue a separate patta after Sub Division, for his property in his name, comprising in Old Survey No.49/1B/1B of Oragadam Village, Sriperumbudur Taluk, Kancheepuram District.

3. Petitioner is the absolute owner of the property in Survey No.49/1B/1B situated at Oragadam Village, Sriperumbudur Taluk, Kancheepuram District, as per Settlement Deed No.4697 of 2006 on the file of Sub Registrar, Wallajabad and the petitioner has also obtained patta for the same. In the said property, the petitioner was running a small scale industrial unit. While so, Land Acquisition Proceedings were initiated to acquire the petitioner's property for SIPCOT and the petitioner submitted representations before the respondents objecting the same. However, the Government of Tamil Nadu has passed G.O.Ms.No.191, Industries (SIPCOT-LA) and No.II (2)/IND360 (C/15)/2007 DATED 04.07.2007, acquiring 47,568 sq.mts. of land at Oragadam Village, Sriperumbudur Taluk, Kancheepuram District, which includes the petitioner's property also. Aggrieved by such order, petitioner preferred W.P.No.30019 of 2007 before this Court and the same was dismissed along with other similar writ petitions. Petitioner along with others successfully challenged the same in W.A.No.863 of 2008 and batch before the Division Bench of this Court. The Special Leave Petition and Review Petition filed by respondents were also dismissed by the Supreme Court. Therefore, the matter has been conclusively decided in favour of the petitioner. Thereafter, the petitioner submitted a representation before the fifth respondent to delete his property from the Land Acquisition Proceedings and the same is pending. Similarly, the petitioner submitted a representation before the sixth respondent to issue a separate patta for his property after sub division and till date, no action has been taken on his representation. Hence, the present writ petition has been filed.

4. In the light of the above facts, without going into the petitioner's contention, there shall be a direction to the sixth respondent to consider the petitioner's request for grant of patta after issuing notice to the petitioner as well as to the fifth respondent and after hearing the parties, pass orders on merits and

in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Secretary,
Industrial Department,
Fort St.George,
Chennai 600 009.
- 2.The Secretary, Revenue,
Fort St.George,
Chennai 600 009.
- 3.The Chairman and Managing Director,
SIPCOT, 19-A,
Rukmani Lakshmipathi Salai,
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- 4.The District Collector,
Kancheepuram West,
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- 5.The Special Tahsildar, (Land Acquisition)
(SIPCOT, Oragadam Expansion Scheme),
Sriperumbudur Taluk Office,
Kancheepuram District.
- 6.The Tahsildar,
Sriperumbudur Taluk Office,
Sriperumbudur,
Kancheepuram District.

+1 cc to Government Pleader, SR.14760

+2 cc's to M/s.Stephen, Advocate, SR.15199.

msm(co)
krd 31/3

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