

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.31151 of 2015

1.R.Kathiresan

2.S.Chidambara Raja

...Petitioners

Vs.

1.The District Collector,
Kancheepuram District.

2.The Special Tahsildar (Land Acquisition),
SIPCOT, Division-I,
Sriperumbudur Expansion Plan-II,
Sriperumbudur.

...Respondents

PRAYER : Writ petition is filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the respondents to pay compensation for the land bearing Plot No.236 comprised in Survey No.20/3A11 measuring to an extent of 3200 sq.ft. situated at No.174, Vadaca 'A' Palnallur Village, Sriperumbudur Taluk as per notice dated 15.05.2013 issued by the 2nd respondent and consequently direct the 1st respondent to refer the petitioner's case to the competent court for enhancement of compensation under Section 8 of Act, 1997 based on the representation dated 02.07.2013.

For Petitioners : M/s.R.Murali

For Respondents : Mr.Rm.Muthukumar,
Govt. Advocate.

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner's property bearing Plot No.236 comprised in Survey No.20/3A11 measuring to an extent of 3200 sq.ft. situated at No.174, Vadaca 'A' Palnallur Village, Sriperumbudur Taluk has been acquired by the respondent for industrial purpose. Though the petitioner earlier appeared for enquiry and a sum of Rs.250 per sq.ft. is stated to have been fixed as compensation as per proceedings dated 15.05.2013. Without paying the said amount, the respondent called for award enquiry and therefore the petitioner is before this court.

3. Heard Mr.R.Murali, learned counsel appearing for the petitioners and Mr.Rm.Muthukumar, learned Government Advocate appearing for the respondents.

4. It is evident that the petitioners' property has been acquired by the 2nd respondent through proceedings dated 15.05.2013 and a sum of Rs.250 per sq.ft. was determined as compensation. The amount determined by the respondent was informed to the petitioners in the year 2013 itself. However, the petitioners now contend that without paying the said compensation, the respondent is calling upon them for enquiry. When the amount was already determined by the respondent, further enquiry is unwarranted and therefore the respondent is directed to pay the amount already determined which is reflected in the notice dated 15.05.2013 and thereafter refer the matter to the Civil Court, as per Section 8 of the Tamil Nadu Land Acquisition Industrial Purpose Act as the petitioner claims for enhancement of the compensation amount. In this regard, this court also takes into account the petitioners' representation dated 02.07.2013 for referring the matter to Civil Court.

5. In view of the above, the respondent is directed to pay the amount already fixed as compensation to the petitioners, within a period of four weeks from the date of receipt of a copy of this order and thereafter refer the matter to the Civil Court under Section 8 of the Act for enhancement of compensation. It goes without saying that if any interest is accrued on the amount, after determination of the compensation in the year 2013, the same is required to be paid to the

petitioners.

6. With the above direction, these writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

rgr

To

1.The District Collector,
Kancheepuram District.

2.The Special Tahsildar (Land Acquisition),
SIPCOT, Division-I,
Sriperumbudur Expansion Plan-II,
Sriperumbudur.

1 CC to M/s.R.Murali, Advocate SR.No. 57873

1 CC to the Government Pleader, SR.No. 58041

W.P. No.31151 of 2015

KK (CO)

PSI (06.11.2015)

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