

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. Nos.31796 & 31797 of 2015

Mr.R.Chandrasekar ... Petitioner in W.P.No.31796 of 2015

Mrs.Mythily Chandrasekar ... Petitioner in W.P.No.31797 of 2015

Vs.

- 1.Government of Tamil Nadu
Represented by the Principal Secretary,
Industries Department, Secretariat,
Fort St.George, Chennai - 600 009.
- 2.The District Collector,
Collectorate, Kanchipuram,
Kanchipuram District - 631 501.
- 3.The Special Tahsildar,
(LA Unit - II), SIPCOT,
Oragadam Expansion Scheme - II,
Sriperumbudur,
Kanchipuram District - 602 105. ... Respondents in both WPs

PRAYER : Writ petitions filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the respondents to determine the compensation for petitioner's land situated Kanchipuram District, Sriperumbudur Taluk, Mathur Village, Plot No.347 in Survey No.319/2B1 & 319/2A on extent of 2400 sq.ft. and Plot No.348 and 349 in Survey No.319/2A on extent of 4800 sq.ft. respectively, alongwith superstructures as envisaged under Section 7 of Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 (TN Act 10 of 1999), by considering the petitioners representation dated 08.07.2015 within the time limit.

For Petitioners : Mr.B.Vijay for
in both WPs M/s.Arunkungumaraj

For Respondents : Mr.Rm.Muthukumar,
in both WPs Govt. Advocate.

COMMON ORDER

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

2. The petitioners are the owner of the property in Plot Nos.347, 348 and 349 respectively in VGP Jayanthi Town Part II situated in No.180, Mathur Village, Sriperumbudur Taluk, Kanchipuram District comprised in S.Nos.319/2B1 & 319/2A admeasuring to an extent of 2400 sq.ft. and 4800 sq. ft. respectively, alongwith superstructures thereon. The said properties have been acquired by SIPCOT for setting up of Oragadam Expansion Scheme - 2, Unit - II invoking the provisions of Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 and G.O.Ms.No.114, Industries (SIPCOT-LA) dated 04.06.2012 was passed. As per Section 7 (2) of the said Act, private negotiation between the authorities and the owners of the land was provided. Accordingly, the petitioners, pursuant to Form 'E' notice dated 02.01.2014 negotiated with the authorities, however no fruitful resolution was achieved. Therefore, the petitioners gave representation on 08.07.2015 to the third respondent to refer the matter to the District Collector for determination of fair and just compensation as per Section 7 (3) of the Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997. Though the said representation was received by the third respondent as early as on 13.07.2015, till date, it has not been referred to the second respondent. Therefore, the petitioners have come before this Court seeking direction to the respondents to determine fair compensation.

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

4. The prayer sought for by the petitioners in these writ petitions cannot be granted straightaway however, as per the Act when negotiation under Section 7 (2) of the Act was not successful in determining the compensation to be paid to the petitioners for the land acquired, based on the petitioners' representation under Section 7 (3) of the Act, the third respondent has to refer the matter to the second respondent, namely the District Collector, Kanchipuram.

5. A perusal of the document would show that the third respondent was already served with the representation of the petitioners on 13.07.2015. In view of that, the third respondent is directed to refer the matter to the second respondent forthwith, for determining the compensation by him, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, these writ petitions are disposed of. No costs.

7. Post the matter for compliance on 30.10.2015.

rgr

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary,
Government of Tamil Nadu,
Industries Department, Secretariat,
Fort St. George, Chennai - 600 009.

2. The District Collector,
Collectorate, Kanchipuram,
Kanchipuram District - 631 501.

3. The Special Tahsildar,
(LA Unit - II), SIPCOT,
Oragadam Expansion Scheme - II,
Sriperumbudur,
Kanchipuram District - 602 105.

+ 2 ccs to Mr. Arunkumaraj, Advocate SR 54801 & 54802

+ 1 cc to the Govt. Pleader SR 54172

lrs (co)
prk9/10

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