

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

W.P.No.12119 of 2016

&

W.M.P.No.10482 of 2016

M/s.Sundaram Finance Ltd.,
rep. by its Senior Assistant General Manager (Legal)
Mr.N.Narayanan. ...Petitioner

Vs.

1. The Special Tahsildar (Land Acquisition)
SIPCOT -LA,
Sriperumbudur and Irunkattukottai Scheme,
Kancheepuram District - 602 105.
 2. The District Collector,
Collectorate, Kancheepuram - 631 501.
 3. Mrs.Jessie Shireen Osman
 4. Ms.Ruksana Emmanuel
 5. Mr.Rehan Osman
- ...Respondents

Prayer :

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Declaration, declaring that the petitioner is the only person, interested over the schedule properties, acquired by first and second respondents, pursuant to the notifications issued vide G.O.Ms.Nos.18 & 20 of Industries (SIPCOT) LA, both dated 07.02.2013 and G.O.Ms.No.7 Industries (SIPCOT) LA, dated 23.01.2014, and consequently, to direct the first and second respondents to disburse the compensation amount, including solatium, additional market value, interest etc., directly to the petitioner.

For Petitioner : Mr.S.Vasudevan
For Respondents 1 &2 : Mr.R.Rajeswaran
Special Government Pleader

For Respondents 3 to 5 : Mr.Zaffarullahkhan

O R D E R

Heard Mr.S.Vasudevan, the learned counsel appearing for the petitioner, Mr.R.Rajeswaran, the learned Special Government Pleader, who accepts notice for respondents 1 and 2 and Mr.Zaffarullahkhan, the learned counsel, accepting notice on behalf of respondents 3 to 5. With the consent of parties, the main Writ Petition is taken up for final disposal, at the stage of admission itself.

2. The petitioner is M/s.Sundaram Finance Limited, and the relief sought for in this Writ Petition is to declare that they are the only person, interested over the scheduled properties, which was the subject matter of acquisition for SIPCOT, in G.O.Ms.Nos.18 and 20 of Industries (SIPCOT) LA, dated 07.02.2013 and G.O.Ms.No.7 Industries (SIPCOT) LA, dated 23.01.2014.

3. The petitioner claims right over the property, pursuant to an understanding/agreement entered into between the petitioner and respondents 3 to 5, who are legal heirs of late Mr.Mohammed Osman. On demise of said Mr.Mohammed Osman, respondents 3 to 5 became owners of the property, measuring an extent of Acres 6-52 cents, comprised in S.Nos.123/5A, 126/1, 126/2, 122/4B, 123/2, 124/1, 124/9 and 125/1 part, situate at Mambakkam Village, Sriperumpudur Taluk. As there were dues payable to the petitioner by the said Mr.Mohammed Osman, respondents 3 to 5 consented that the compensation amount, whatever paid for the acquisition, shall be directly paid to the petitioner, as the properties were exclusively mortgaged to the petitioner, and they have an Arbitration Award in their favour. In this regard, an affidavit was filed before the first respondent, in which, respondents 3 to 5 are Signatories, and they have specifically agreed as follows:-

"The consent/no objection is given to enable the Government/Collector/Land Acquisition Tahsildar, to directly pay the entire amount to M/s.Sundaram Finance Limited, Chennai, with a view to discharge the debt due and payable by Mohammed Osman to M/s.Sundaram Finance Limited, "

4. The learned counsel appearing for respondents 3 to 5, submits that his clients, viz., respondents 3 to 5 will stand by the undertaking given in the affidavit, and they have no objection for the entire compensation amount to be paid directly to the petitioner by the first respondent.

5. As it is stated the compensation amount has to be disbursed on or before 31.03.2016, (which is expiring by tomorrow), there will be a direction to the petitioner to appear before the first respondent through their authorized representative along with a copy of this order, and place all the original documents of title, which are in their possession, and the first respondent shall consider the same and disburse whatever eligible compensation directly to the petitioner. If any clarification is required, then the first respondent can seek for appropriate further orders from this Court. In such event, the amount should be held back and not paid to respondents 3 to 5 till clarification is obtained from this Court.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Special Tahsildar (Land Acquisition)
SIPCOT -LA,
Sriperumbudur and Irunkattukottai Scheme,
Kancheepuram District - 602 105.
2. The District Collector,
Collectorate, Kancheepuram - 631 501.

+3 cc to Mr.s.Vasudevan, Advocate sr.19888

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srg (30/03/2016)

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