

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2016

CORAM:

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P. Nos.17023 and 17024 of 2016

Vimal Kumar

.. Petitioner in both WPs

vs.

1. The Government of Tamil Nadu  
rep.by its Secretary  
Industries Department  
Fort St.George  
Chennai 600 009.
2. The District Collector  
Kancheepuram District  
Kancheepuram.
3. The Special Tahsildar  
(Land Acquisition)  
Irungattukottai Scheme Unit I  
Sriperumbudur.
4. The Managing Director  
SIPCOT  
19-A, Rukmani Lakshmipathy Road  
Egmore, Chennai 600 008. ... Respondents in both WPs

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus to direct the respondents to (i) refer the total extent of land measuring 2.16 out of 2.38 acres in Survey No.121/3 which are acquired from the petitioner in Award No.7 of 1998 passed by the third respondent herein under Irungattukottai Scheme, Sriperumbudur Taluk, Kancheepuram District for enhancement of compensation under Section 18 of Land Acquisition Act to and in favour of the petitioner within the time limit fixed by this Court and (ii) re-deliver the possession of the lands to the total extent of 6.93 acres in Survey Nos.104/2A, 2C, 4B, 6, 7, 8, 10, 3, 11, 9B, 4A, 5, 9, 18, 19A, 23, 1, 13, 14, 15 and 12 to an extent of the land 1.41 acres; in Survey No.113/12, 16, 18, 7, 114/11 and 12 to an extent of 2.79 acres; in Survey No.122/2, 7, 16, 18, 19, 174/2 to an extent of 0.09 acres; in Survey No.173/1, 2, 3 to an extent of 0.49 acres; in Survey No.100/1, 2, 3 to an extent of 0.12 acres; in S.No.105/1, 2, 3, 10, 11,

12, 13, 14 to an extent of 1.46 acres in S.No.115/3B to an extent of 0.35 acres in S.No.121/3 to an extent of 0.22 acres to the petitioner which were acquired under Irungattukottai Scheme, Sriperumbudur Taluk, Kancheepuram District under Land Acquisition Act without passing any award respectively.

For Petitioner  
in both WPs : Mr.M.Vijayakumar

For Respondents  
in both WPs : Mr.T.N.Rajagopalan  
Special Government Pleader  
for RR1 to 3

Mrs.Sudarshana Sunder for R4

#### COMMON ORDER

These two writ petitions have been filed seeking for the issuance of a writ of mandamus to direct the respondents to (i) refer the total extent of land measuring 2.16 out of 2.38 acres in Survey No.121/3 which are acquired from the petitioner in Award No.7 of 1998 passed by the third respondent herein under Irungattukottai Scheme, Sriperumbudur Taluk, Kancheepuram District for enhancement of compensation under Section 18 of Land Acquisition Act to and in favour of the petitioner within the time limit fixed by this Court and (ii) re-deliver the possession of the lands to the total extent of 6.93 acres in Survey Nos.104/2A, 2C, 4B, 6, 7, 8, 10, 3, 11, 9B, 4A, 5, 9, 18, 19A, 23, 1, 13, 14, 15 and 12 to an extent of the land 1.41 acres; in Survey No.113/12, 16, 18, 7, 114/11 and 12 to an extent of 2.79 acres; in Survey No.122/2, 7, 16, 18, 19, 174/2 to an extent of 0.09 acres; in Survey No.173/1, 2, 3 to an extent of 0.49 acres; in Survey No.100/1, 2, 3 to an extent of 0.12 acres; in S.No.105/1, 2, 3, 10, 11, 12, 13, 14 to an extent of 1.46 acres in S.No.115/3B to an extent of 0.35 acres in S.No.121/3 to an extent of 0.22 acres to the petitioner which were acquired under Irungattukottai Scheme, Sriperumbudur Taluk, Kancheepuram District under Land Acquisition Act without passing any award respectively.

2. The case of the petitioner is that he and his family members are the owners of the property to an extent of 28.17 acres of land in Irungattukottai Village, Sriperumbudur Taluk, Kancheepuram District. According to the petitioner, the Government acquired the lands in and around the Irungattukottai area for setting up Industrial development Scheme by SIPCOT. The respondents also passed an award for the lands acquired from the petitioner, however, only to an extent of 21.21 acres and

that he received the same under protest during the year 2002. Further, when it was verified, it came to the knowledge of the petitioner that the respondents have passed an award only to an extent of 19.06 acres and the award for the remaining 2.15 acres was missing. It is his further case that the lands which were not acquired by the respondents have also not been re-delivered to the petitioner. In this regard, the petitioner has also submitted a representation to the respondents on 18.07.2014. However, so far no order has been passed. Hence, the above writ petitions.

3. Though the petitioner has filed the writ petitions seeking enhancement of the compensation awarded by the respondents for the lands acquired and for re-delivery of lands, which were not acquired, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that it would suffice if a direction is issued to the respondents to consider the representation submitted by the petitioner dated 18.07.2014.

4. Heard both sides.

5. Though it is stated that the petitioner has sent a representation as early as on 18.07.2014, no proof is available in the typed set of papers for having sent the same to the respondents. Therefore, the petitioner is directed to give a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation from the petitioner, the second respondent-District Collector is directed to pass appropriate orders within a period of four weeks thereafter, on merits and in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the matter.

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

सत्यमेव जयते

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Government of Tamil Nadu,  
rep.by its Secretary,  
Industries Department,  
Fort St.George,  
Chennai 600 009.

2. The District Collector,  
Kancheepuram District,  
Kancheepuram.

3. The Special Tahsildar,  
(Land Acquisition),  
Irungattukottai Scheme Unit I,  
Sriperumbudur.

4. The Managing Director,  
SIPCOT,  
19-A, Rukmani Lakshmipathy Road,  
Egmore, Chennai 600 008.

+1cc to the Government pleader sr.28662

+1cc to Mr.Sudharsana Sundar, Advocate sr.28337

+2cc to Mr.M.Vijayakumar, Advocate sr.28252 & 28253

W.P.Nos.17023 and 17024 of 2016

ksj (CO)  
srg (26/05/2016)

सत्यमेव जयते

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