

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.Nos.13217, 13218 and
15490 of 2013 &
M.P.Nos.1,1, & 1 of 2013

AR.Swaminathan .. Petitioner in W.P.No.13217 of 2013

AR.Subramanian .. Petitioner in W.P.No.13218 of 2013

(i) K.Kasiviswanthah

(ii) R.Meenakshi .. Petitioner in W.P.No.15490 of 2013

..Vs..

1.The Secretary to Government
Department of Industries
State of Tamil Nadu
Fort St.George, Chennai-9.

2.The District Collector
Kancheepuram District.

3.The Special Tahsildar (LA)
SIPCOT, Irngattukottai Scheme
Irungattukottai, Sriperumbudur Taluk
Kancheepuram District. .. Respondents in all W.Ps

Prayer in W.P.No.13217 of 2013:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to determine and pay the amount of compensation due and payable to the petitioner for his land bearing Plot No.154, measuring an extent of 1800 Sq.ft. in the layout known as "Sri Jai Bhuvaneswari Nagar" approved vide DTCP No.188/83-L.P. 143/83, comprised in Survey No.354/4A, of No.34, Santhavellore Village, Sriperumbudur Taluk, which was acquired by the respondents under section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) together with interest @ 18% p.a. for the delayed period to the petitioner.

Prayer in W.P.No.13218 of 2013:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to determine and pay the amount of compensation due and payable to the petitioner for his land bearing Plot No.153, measuring an extent of 1800 Sq.ft. in the layout known as "Sri Jai Bhuvaneswari Nagar" approved vide DTCP No.188/83-L.P. 143/83, comprised in Survey No.354/4A, of No.34, Santhavellore Village, Sriperumbudur Taluk, which was acquired by the respondents under section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) together with interest @ 18% p.a. for the delayed period to the petitioner.

Prayer in W.P.No.15490 of 2013:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to determine and pay the amount of compensation due and payable to the petitioners for their land bearing Plot No.155, measuring an extent of 2400 Sq.ft. (0.02.0 sq.mtr) in the layout known as "Sri Jai Bhuvaneswari Nagar" approved vide DTCP No.188/83-L.P. 143/83, comprised in Survey No.354/4A, as per Patta No.93, Survey No.3544A2 of No.34, Santhavellore Village, Sriperumbudur Taluk, which was acquired by the respondents under section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) together with interest @ 18% p.a. for the delayed period to the petitioners.

For Petitioners in : Mr.H.Mohammed Farook
all WPs

For Respondents on : Mr.S.Diwakar
all WPs Spl.Govt.Pleader

For SIPCOT in all : Mrs.Sudharsana Sundar
WPs

COMMON ORDER

Heard Mr.H.Mohammed Farook, learned counsel for the petitioners, Mr.S.Diwakar, learned Special Government Pleader appearing for the respondents and Mrs.Sudharsana Sundar, learned counsel, who has assisted the Court in getting instructions from SIPCOT. With the consent of the learned counsel appearing on either side, the Writ Petitions are taken up for final disposal.

2.It is an unfortunate case, where the petitioners lands which were acquired in 2007, under the provisions of section 3 (1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999), are yet to be paid compensation and the petitioners have filed these Writ Petitions in 2013. Though the respondents have been served, they have entered appearance through the learned Special Government Pleader, till date they have not filed any counter affidavit nor the respondents have cared to give any written instructions to the learned Special Government Pleader.

3.When the case came up for hearing on an earlier occasion on 11.08.2016, Mrs.Sudharsana Sundar, learned Standing Counsel for the SIPCOT was present in Court for some other matter. Therefore, this Court requested her to verify as to why there is a stalemate in the matter and why the respondents 2 & 3 have not responded to the Court Notice and no instructions have been given to the learned Special Government Pleader.

4.On verification, it is reported that the Office of the Special Tahsildar, (Land Acquisition), SIPCOT Irrungattukottai Scheme, is lying vacant and there is no posted Officer. However, on instructions, it is submitted that SIPCOT is ready and willing to co-operate in the adjudication process to determine the compensation payable.

5.The petitioners have purchased meager extent of lands of less than 2400 sq.ft. in an approved Housing Layout, with a fond hope of constructing small dwelling Units. The Government by exercising their powers, compulsorily acquired the petitioners lands in 2007, dispossessed them and handed over the lands to the SIPCOT, and did not pay a single pie, as compensation to the land owners. Therefore, it is a high time that action should be initiated against the erring officers who have put the matter in cold storage. However, any further direction in this regard should not hamper the interest of the petitioners, as compensation have not been paid for several years.

6.The more disturbing feature is that when the case came up for hearing on 11.08.2012, the learned Special Government Pleader was directed to get instructions in the matter. Accordingly, he immediately wrote a letter to the respondents on 12.08.2016, inspite of the same, there has been no response. Therefore, the non-responsive attitude of the respondents 2 & 3 stands deprecated.

7.Thus, considering the hard facts, there will be a direction to the second respondent to immediately convene a Meeting, by issuing notice to the petitioners as well as the third respondent, by appointing a suitable Officer, as well as

to the officials of the SIPCOT and conduct enquiry into the matter, fix the compensation amount and pay the same to the petitioners, together with admissible interest in accordance with the Act. The above direction shall be complied with by the second respondent, within a period of eight weeks from the date of receipt of a copy of this order and the compliance report to be filed before this Court.

The Writ Petitions are disposed of on the above terms. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government
Department of Industries
State of Tamil Nadu
Fort St.George, Chennai-9.

2.The District Collector
Kancheepuram District.

3.The Special Tahsildar (LA)
SIPCOT, Iurngattukottai Scheme
Irungattukottai, Sriperumbudur Taluk
Kancheepuram District.

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

5.The Section Officer, Writ Section, High Court, Madras

+3 cc's to Mr.H.Mohammed Farook, advocate,sr.49195

+1 cc to Ms.Sudharshana sundar,advocate,sr.49355

+1 cc to the Government Pleader,sr.49824

gr(co)
krd 23/9

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