

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.29912 of 2016

M.Hemalath

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Petitioner

Vs

1.The State
Rep.by Secretary,
Industries Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Kancheepuram - 631 501.

3.The Special Tahsildar (LA)
SIPCOT / Sriperumbudur Scheme
Irungattukottai,
Sriperumbudur Taluk - 602 117.

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Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issue of writ of Mandamus directing the respondents to pay the award amount passed in Award No.4/98 (Part) dated 17.11.2006 with interest to the petitioner as she was the owner of the property.

For Petitioner : Mr.G.Thyagarajan

For Respondents: Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

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O R D E R

By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner purchased a plot in Sriperumbudur in "Rajiv Ideal Garden" bearing Plot No.35 from one Mrs.Poornima Gowtham on 29.05.1998. Subsequently, the petitioner came to understand that the land which she had purchased was acquired by

the third respondent for SIPCOT / Sriperumbudur Scheme and an award was passed in the year 2006 itself in favour of the erstwhile owner, even though the petitioner became the owner of the plot as on 29.05.1998. Though the award was passed as early as on 17.11.2006, for the past one decade, the compensation has not been paid to the petitioner which compelled her to approach this court by way of this writ petition.

3. Heard Mr.G.Thyagarajan, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader who accepts notice on behalf of the respondents.

4. It is evident from the sale deeds filed by the petitioner that the petitioner has purchased the plot in the year 1998. However, the revenue record has not been mutated in favour of the petitioner and therefore, when the land acquisition proceedings were initiated, it seems the award in respect of the properties acquired, was passed in favour of the erstwhile owner. Though the award stands in the name of the erstwhile owner, as a owner as on date, the petitioner has approached this court for a writ of mandamus directing the respondent to pay the compensation as per the award passed.

3. Since the revenue record has not been changed in the name of the petitioner, the award was passed in favour of the erstwhile owner. When the award has been passed in the name of the erstwhile owner and the petitioner is the owner of the property as on date, writ of mandamus cannot be directly issued. Therefore, the petitioner is directed to give new representation to the respondent providing the details, with all relevant documents, within a period of ten (10) days from the date of receipt of a copy of this order. On such receipt, the 2nd and 3rd respondents are directed to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of eight (8) weeks thereof, after giving notice to the petitioner as well as the erstwhile owner so that any future claim can be avoided.

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

7. Post the matter for compliance on 28.11.2016.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rgr

To

1.The Secretary,
Industries Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Kancheepuram - 631 501.

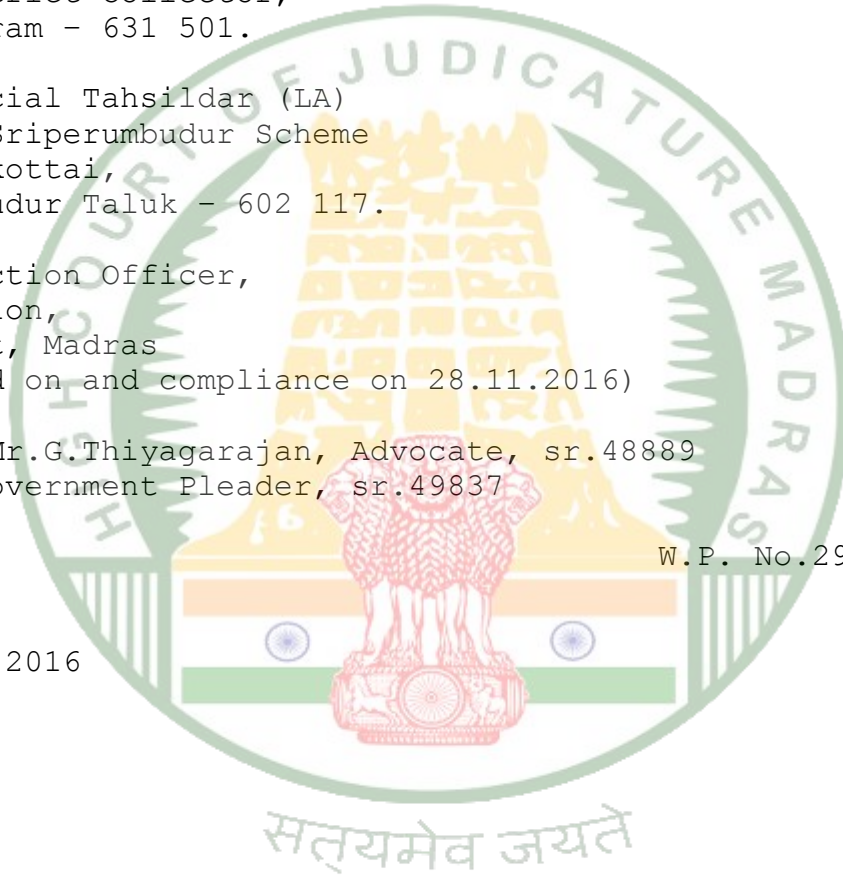
3.The Special Tahsildar (LA)
SIPCOT / Sriperumbudur Scheme
Irungattukottai,
Sriperumbudur Taluk - 602 117.

4. The Section Officer,
Writ Section,
High Court, Madras
(WP Posted on and compliance on 28.11.2016)

5 ccs to Mr.G.Thiyagarajan, Advocate, sr.48889
1 cc to Government Pleader, sr.49837

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mpi co
kra 06.09.2016



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