

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.30482 of 2016

1 Kalyani Jayaraman
[Petitioners]
2 J.Anantha Krishnan
3 J.Poornima

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 Irugattukottai
Sriperumbudur Taluk - 602 117
[Respondents]

Prayer : Writ petition filed under Article 226 of the Constitution of India for issue of writ of Mandamus to direct the respondents to pay the Award amount passed in Award 4/98 (Part) dated 17.11.2016 with interest to the petitioner as he was the owner of the property.

For Petitioner : Mr.G.Thyagarajan

For Respondents: Mr.T.M.Pappiah
Special Govt. Pleader

O R D E R

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

2. The 1st petitioner's husband Jayaraman purchased a plot in Sriperumbudur in "Rajiv Ideal Garden" bearing Plot No.55 from one Mrs.Poornima Gowtham on 27.05.1998. Subsequently, the 1st petitioner's husband came to understand that the land which he 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 1st

petitioner's husband became the owner of the plot as on 27.05.1998. The 1st petitioner's husband Jayaraman died on 04.12.2011. Though the award was passed as early as on 17.11.2006, for the past one decade, the compensation has not been paid, which compelled the petitioners who are the legal heirs of the said late Jayaraman to approach this court by way of this writ petition.

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

4. It is evident from the sale deeds filed by the petitioners that the 1st petitioner's husband has purchased the plot in the year 1998. However, the revenue record has not been mutated in favour of the 1st petitioner's husband 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 the owners as on date, the petitioners who are the legal heirs of Jayaraman, has approached this court for a writ of mandamus directing the respondent to pay the compensation as per the award passed.

5. Since the revenue record has not been changed in the name of the 1st petitioner husband Jayaraman, 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 petitioners, who are the legal heirs of the said late Jayaraman, are owners of the property as on date, writ of mandamus cannot be directly issued. Therefore, the petitioners are 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 petitioners and pass appropriate orders, on merits and in accordance with law, within a period of eight (8) weeks thereof, after giving notice to the petitioners 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/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

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

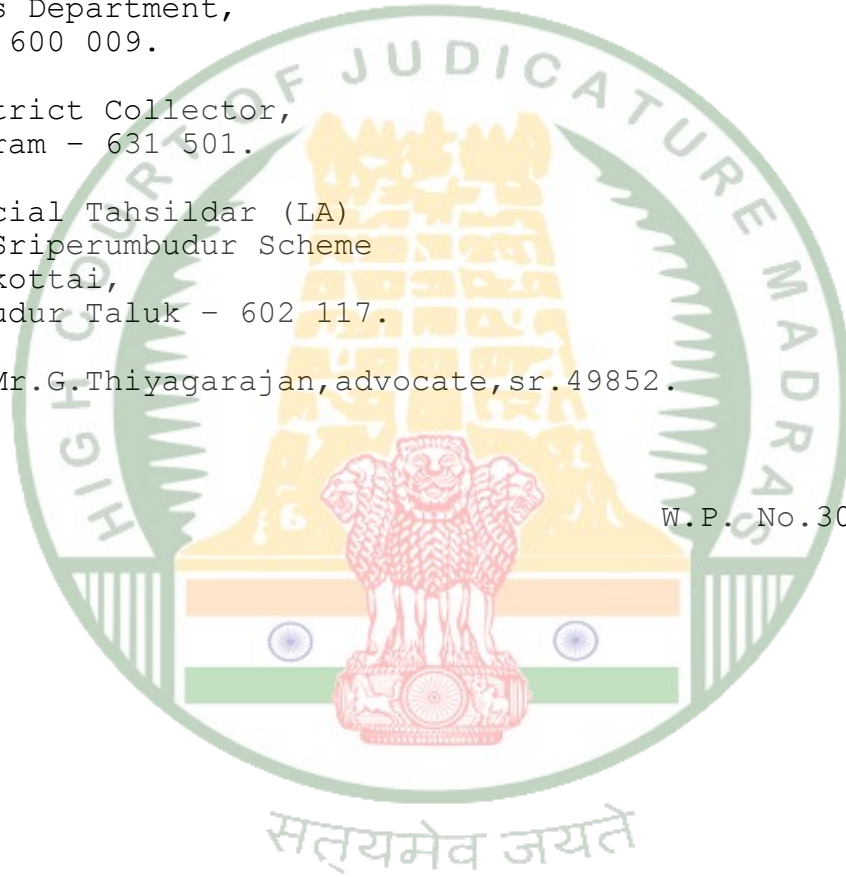
2.The District Collector,
Kancheepuram - 631 501.

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

+1 cc to Mr.G.Thiyagarajan,advocate,sr.49852.

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