

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2016

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.3515 of 2016

M/s.Jubilee Plot & Housing Pvt Ltd
Rep.by its M.D R.P.Darrmalingam

[PETITIONER]

Vs

- 1 The District Collector
Kancheepuram District
Kancheepuram
 - 2 The Deputy Collector
Sipcot, Mannur Valarapuram Nemili Scheme
No.14/43 Govinda Medu Street,
Near Taluk Office
Sriperumbudur, Kancheepuram District.
 - 3 The Special Tahsildar (LA) Unit II
Mannur Valarapuram Nemili Scheme
NO.14/43 Govinda Medu Street
Near Taluk Office
Sriperumbudur, Kancheepuram District.
- [RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to pay the compensation for the lands measuring an extent of Acres 50.69 cents comprised in Survey Nos.3/5, 3/10, 3/11, 4/2, 4/3, 4/4, 4/5, 4/7, 4/9, 4/10, 19/2, 19/3, 19/4, 19/5, 19/6, 19/7, 19/8, 19/12, 20/2, 20/3, 20/10, 20/11, 20/1A, 20/1B, 20/4A1, 20/4A2, 20/4B, 20/5, 20/6, 20/7, 20/8, 20/9A, 20/9B, 21/2, 21/4, 22/4, 22/5, 22/6, 22/7A, 22/7B, 22/8, 23/4, 23/5, 23/6, 23/7, 23/8, 23/9, 23/10A, 23/10B, 23/12, 23/13, 23/16, 23/18, 28/3, 28/4, 28/5, 28/6, 28/7, 28/9, 28/10, 29/2, 29/3, 29/4, 29/5, 29/6, 29/7, 29/8, 29/9, 29/10, 29/11, 29/12, 29/13, 29/1A, 29/1B, 29/1C, 29/1D, 30/2, 30/3, 30/4, 30/5, 30/7, 30/8, 30/9, 30/10, 30/11, 30/12, 30/13, 30/14, situated at Nemili Village, Sriperumbudur Taluk, Kancheepuram District under the First, Second and Third Schedule of the Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013, within the period stipulated by this Court.

For Petitioner .. Mr.A.R.L.Sundaresan, Sr.Counsel
for Mr.M.Vivekanandan

For Respondents .. Mr.R.Lakshmi Narayanan
Addl.Govt.Pleader

O R D E R

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.A.R.L.Sundaresan, learned Senior Counsel appearing for the petitioner and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader appearing for the respondents.

3. Petitioner is a Private Limited Company, engaged in the development of Housing Plots and they have sought for issuance of a writ of mandamus to direct the respondents to pay compensation for the lands measuring an extent of 50.69 cents comprised in various survey numbers in Nemily village, Sriperumbudur Taluk, Kancheepuram District, under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. The case of the petitioner is that the respondents initiated land acquisition proceedings and issued notices dated 17.09.2014, 19.09.2014, 01.10.2014 and 07.10.2014, in Form-A under sub section (2) of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and as per Rule 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001. The lands were acquired for the purpose of formation of New SIPCOT Industrial Park by the Government of Tamil Nadu. The petitioner was directed to show cause as to why the lands should not be acquired. Thereafter, a public notice was issued in Form-B dated 29.09.2014 in the News Paper in terms of Rule 4 of the said Rules under section 3(2) of the Act and opportunity was granted to submit objections and an enquiry was fixed in the Office of the District Collector on 20.11.2014.

5. The petitioner would state that on receipt of the notice, they submitted a detailed representation on 29.10.2014, to the first respondent explaining the reasons as to why the lands should not be acquired and they have requested the first respondent to drop the acquisition proceedings. Thereafter, a notice was published in the Government Gazette dated 20.03.2015, under sub-section (1) of section 3 of the Act, 1997, stating

that the Government of Tamil Nadu is satisfied with the land specified in the schedule and they have to be acquired for industrial purposes for the formation of the New SIPCOT, Panapakam Industrial Park Scheme and it has been decided that the entire compensation to be awarded for the lands would be paid out of the funds controlled or managed by the Government. The petitioner has reserved his rights to challenged the land acquisition proceedings, if there is any lacuna and such an averment has been made in paragraph No.4 of the writ affidavit. The petitioner has now been served with notices dated 20.07.2015, 16.09.2015 and 18.09.2015 in Form-E under Rule 9 of Rules, 2001 to surrender or deliver possession of the acquired lands.

6.The learned Senior Counsel appearing for the petitioner submitted that in terms of section 7 of the Act, the lands are now acquired by the Government and an amount shall be paid for such acquisition, where the amount has been determined by agreement between the Government and the person to whom the amount has to be paid and it shall be paid in accordance with such agreement, where no such agreement can be reached, the Government shall refer the case to the Collector for determination of the amount to be paid for such acquisition as also the person or persons to whom such amount shall be paid. The learned Senior counsel further states that the respondents though initially acted swiftly till the completion of proceedings under section 4(2) of the Act, there is absolutely no action on the part of them for payment of compensation and the matter has been put in a cold storage. Further, it is submitted that in terms of section 7(2) of the Act, it is the duty of the first respondent to call upon the petitioner to determine the compensation by an agreement.

7.The petitioner would state that the prevalent market value in the vicinity to the land is Rs.4,50,00,000/- and the Government Guideline value of the property is at the rate of Rs.80,00,000/-. The petitioner would state that they have got several documents to establish the value of the property and they would produce the same before the first respondent. Since the request made by the petitioner by way of several representations is still pending before the first respondent, it is appropriate for the first respondent to consider the same and action has been taken to acquire the property and notices have also been issued.

8.Mr.R.Lakshmi Narayanan, learned Additional Government Pleader submitted that the first respondent may be granted reasonable time to consider the representation submitted by the petitioner.

9. In the light of the above, there will be a direction to the first respondent to consider the petitioner's representation dated 28.12.2015, issue notice to the petitioner and after affording an opportunity of personal hearing to the authorised representative of the petitioner, pass a reasoned order on merits and in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst. Registrar (CO)

/true copy/

Sub Asst. Registrar

rpa

To

- 1 The District Collector
Kancheepuram District
Kancheepuram
- 2 The Deputy Collector
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Sriperumbudur, Kancheepuram District. 602 105

- 1 cc to Government Pleader, Sr. 6509
1 cc to Mr.M. Vivekanandan, Advocate, sr. 6204

W.P.No.3515 of 2016

SKV (CO)
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