

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.43952 of 2016

Innvol Hotels Private Ltd.,
rep. by its Director
Sunil Shastri
387, Wallajabad Road,
Kunnam Village,
Sriperumpudur Taluk,
Kancheepuram District 631 604.

.. Petitioner

Versus

1.The District Collector,
Kancheepuram District,
Kancheepuram 631 501.

2.The Special Tahsildar
Land Acquisition,
SIPCOT, Sriperumbudur and
Irungattukottai Scheme,
42, Thirumangal Alawar Street,
Vannaiyar Kalyana Mandapam,
Sriperumbudur.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to refer the matter to the concerned Court under Section 8 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Act 10 of 1999) for determination of compensation for the petitioner's acquired land measuring an extent of 2 acres in Survey Number 120/5 (formerly comprised in Survey No.120/2A 4 (part), Mambakkam Village, Sriperumpudur Taluk, Kancheepuram District and to decide the matter on merits.

For Petitioner : Mr.A.Umasankar

For Respondents : Mr.M.Elumalai,
Government Advocate

ORDER

The petitioner claiming to be an absolute owner of the property covered in Survey Number 120/5 (formerly comprised in Survey No.120/2A 4 (part), Mambakkam Village, Sriperumpudur Taluk, Kancheepuram District, has come to this Court seeking a direction to the first respondent to refer the matter to the concerned Court under Section 8 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (Act 10 of 1999) for determination of compensation for the petitioner's above said land.

2.The case of the petitioner is that the respondents had started acquiring various lands around the petitioner's property. While so, the respondents had without giving an opportunity to put forth their documents, passed an award unilaterally and fixed the interim compensation on 31.03.2015 in Award No.1 of 2015 under the provisions of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997. Challenging the said award, the petitioner had filed a Writ Petition in W.P. No.29564 of 2015 before this Court and after hearing the parties, this Court by order dated 20.11.2015, directed the first respondent herein to issue notice to the petitioner for fresh consideration in accordance with law. Based on the order

passed by this Court, the first respondent has called the petitioner for an enquiry and accordingly, on 04.03.2016, the petitioner has appeared and requested the respondents to determine and fix the compensation amount for their land at Rs.6,66,00,000/- under Section 7(7) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act 1997. But the first respondent has rejected the claim of the petitioner in its proceedings dated 28.03.2016. As the first respondent has not considered the existence of true value/market value for the acquired land while passing an order dated 28.03.2016 for determination of compensation amount, the petitioner has submitted an application to the first respondent on 26.05.2016, requesting him to refer the matter to the Court for determination as defined in the Land Acquisition Act 1894. Despite repeated reminders, the first respondent has neither replied nor referred the matter under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 and therefore, the petitioner is before this Court.

3.Mr.M.Elumalai, learned Government Advocate appearing for the respondents sought time to get instructions.

4.When the petitioner has filed his application on 26.05.2016 to refer the matter before the Civil Court to determine the compensation under

T.RAJA,J.

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Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997, the first respondent cannot ignore the same. Therefore, the first respondent is directed to dispose of the application dated 26.05.2016 by referring the matter to the Civil Court, within a period of four weeks from the date of receipt of a copy of this order, since the said application has been filed within the time limit.

5.Accordingly, this writ petition is disposed of. No costs.

22.12.2016

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To

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