

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-11-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.29102 of 2017

Rajesh M.Mootha

... Petitioner

Vs

1.SIPCOT Industrial Park,
Represented by Senior Project Manager,
Oragadam, Kancheepuram District.

2.General Manager,
SIPCOT, Egmore,
Chennai - 600 008.

3.Asst. General Manager
SIPCOT, Egmore,
Chennai - 600 008.

4.Chief Managing Director,
SIPCOT, Egmore,
Chennai - 600 008.

5.The Industries Secretary,
Government of Tamil Nadu,
Secretariat Buildings,
Fort.St.George
Chennai - 600 009.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to dispose off the Petitioner's representation dated 09.07.2014 within the reasonable time fixed by the Court.

For Petitioner : Mr.P.B.Balaji

For Respondents : Mr.E.Balamurugan

Additional Government Pleader

O R D E R

The property measuring six acres of land comprised in survey No.151 part Panapakkam Village forming part of the Industrial Park, Oragadam, styled as B26, SIPCOT Industrial Park, Oragadam was leased out to the petitioner by a registered lease deed

dated 07.02.2008. The lease rate was fixed at Rs.30,00,000/- per acre and the total amount is Rs.1,80,00,000/-, which was also fully paid by the petitioner. The petitioner also took possession of the aforesaid land. When it stands so, the State Highways authority acquired an extent of 2448.701 square meters out of six acres for road widening purpose. Since the petitioner's land measuring about 2448.701 square meters was acquired by the respondent, the petitioner approached the respondent to return the proportionate lease amount of the acquired land, which was paid by the petitioner to the respondent, through representations dated 02.11.2011, 12.07.2012, 20.07.2012 and 9.07.2014, followed by lawyers notice dated 20.05.2016. But till date the amount has not been returned and hence, the petitioner has come before this Court by filing the present writ petition.

2.A perusal of the registered lease deed, dated 07.02.2008 between the State Industrial Promotion Corporation of Tamil Nadu Limited and the petitioner would show that the petitioner was leased about 6 acres of land for a sum of Rs.30,00,000/- per acre. The lease is for a period of 99 years. When the entire lease amount has been paid by the petitioner for 6 acres of land and out of the said 6 acres, the State Highways Authority had acquired 2448.701 square meters of land for road widening purpose, the petitioner could not enjoy or make use of the said extent of land. Therefore, the proportionate lease amount for the land acquired by the State Highways Authority has to be returned to the petitioner. Only when the lessee enjoys the property, he is bound to pay the lease amount. In this case, 2448.701 square meters was already taken by the State Highways Authority for road widening purpose and therefore, the proportionate lease amount has to be paid to the petitioner. Therefore, a direction is given to the respondents, especially to the first respondent to consider the petitioner's representation on merits, in the light of the order passed by this Court and pass appropriate orders within a period of four weeks from the date of the receipt of a copy of this order.

3.With the above directions, this writ petition is disposed of. No costs.

4.For compliance, post the matter after four weeks.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

tkp/sai

To

1. The Senior Project Manager,
SIPCOT Industrial Park,
Oragadam,
Kancheepuram District.

2.The General Manager,
SIPCOT,
Egmore,
Chennai - 600 008.

3.The Assistant General Manager
SIPCOT,
Egmore,
Chennai - 600 008.

4.The Chief Managing Director,
SIPCOT,
Egmore,
Chennai - 600 008.

5.The Industries Secretary,
Government of Tamil Nadu,
Secretariat Buildings,
Fort.St.George
Chennai - 600 009.

6.The Section Officer (Writs),
High Court, Madras.

+lcc to Mr.PB.Ramanujam, Advocate SR.No.81015
+lcc to Government Pleader SR.No.81744

W.P.No.29102 of 2017

GN(06/12/2017)

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