

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 31.07.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.13784 of 2015****and****M.P(MD)No.1 of 2015**

V.Devendran @ Mariappan

... Petitioner

Vs.

1. The Chairman/Managing Director,
SIPCOT, 9-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai - 18.
2. The District Collector,
Thoothukudi District, Thoothukudi.
3. The Land Acquisition Officer and
District Revenue Officer, Thoothukudi.
4. The Special Tahsildar (LA),
SIPCOT Uniot - I,
Thoothukudi Town and District.

... Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay compensation to the petitioner with reasonable interest towards the acquisition of petitioner's land in Survey Nos.39/1, 39/3 and 40/1 Therku Veerapandiapuram, Ottapidaram Taluk, Thoothukudi District.

For Petitioner : Mr.N.Dilipkumar.
For Respondent No.1 : Mr.N.Adhithya Vijayalayan.
For Respondents 2 to 4: Mr.J.Gunaseelan Muthaiah,
Government Advocate.

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the respondents to pay compensation to the petitioner with reasonable interest towards the acquisition of his lands in Survey Nos.39/1, 39/3 and 40/1, situate in Therku Veerapandiapuram, Ottapidaram Taluk, Thoothukudi District, within the time stipulated by this Court.



2. The case of the petitioner is that he is the owner of the lands in Survey Nos. 39/1, 39/3 and 40/1, admeasuring a total extent of 7.40 Hectares, situate in Therku Veerapandiapuram, Ottapidaram Taluk, Thoothukudi District and the same was acquired for the purpose of setting up of industrial blocks, by the Government. Since the compensation amount was not paid to him, he made several representations to the authorities and the same were not considered so far. Therefore, the petitioner is before this Court.

3. In the counter affidavit filed by the third respondent, it is, among other things, stated that one V. Seethalakshmi claimed that the lands in question were her ancestral property and she is also entitled to get a share of compensation and in 'A' Register, the name of pattadar is mentioned as V. Mariappa Naciker and the petitioner has failed to prove his ownership over the lands in question and a third party also claims ownership over the lands in question.

4. Heard both sides.

5. The petitioner's land were acquired for the purpose of setting up of industrial blocks and proceedings have been passed determining the compensation amount in favour of the petitioner, by an order, dated 11.02.2015. When the compensation amount was about to be disbursed, according to the learned Government Advocate appearing for the respondents 2 to 4, the sister of the petitioner has claimed that the lands in question were her ancestral properties and she is also entitled to get a share of compensation. The said statement was stoutly refuted by the learned counsel appearing for the petitioner and he would submit that the petitioner is ready to produce her sister before the authority and he also produced the supporting affidavit filed by the sister of the petitioner. The learned Government Advocate appearing for the respondents 2 to 4 has also raised yet another issue that a third party has also raised objection, who has nexus to the lands in question.

6. Considering the above facts and circumstances, it is the duty of the third respondent to disburse the amount pursuant to the land acquisition proceedings related to the lands owned by the petitioner. If the third respondent is still in reluctant to disburse the compensation amount, the second respondent District Collector, Thoothukudi District shall take up the issue on hand, issue notice to the sister of the petitioner as well as the stranger, who also raised objection, enquire into the matter and decide the same, after affording due opportunity of hearing to the petitioner and others, within a period of three weeks from the date of service of a copy of this order and if no objections are sustainable, the second respondent is directed to disburse the compensation amount within a period of two weeks, thereafter.



7. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar()

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/True Copy/

Sub Assistant Registrar

To

1. The Chairman/Managing Director,
SIPCOT, 9-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai - 18.
2. The District Collector,
Thoothukudi District, Thoothukudi.
3. The Land Acquisition Officer and
District Revenue Officer, Thoothukudi.
4. The Special Tahsildar (LA),
SIPCOT Uniot - I,
Thoothukudi Town and District.

+1cc to M/S. N.DILIPKUMAR, Advocate, SR.No.68826.
+1cc to M/S. N.ADITHYAVIJAYALAYAN, Advocate, SR.No.68847.
+1cc to Special Government Pleader, SR.No.69713 & 69297.

ORDER MADE IN
W.P (MD) No.13784 of 2015
and
M.P (MD) No.1 of 2015
31.07.2017

smn
SDS/JC/SAR 4/07.08.2017/3P/8C