

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petitions Nos.17377 and 17378 of 2016

G.Venkatachalam .. Petitioner in
W.P. No.17337 of 2016
K.V. Govindarajulu Naidu .. Petitioner in
W.P. No.17378 of 2016

-vs-

1. The Special Tahsildar,
Land Acquisition,
SIPCOT, TACID(No.4),
Cuddalore Taluk and District.
2. SIPCOT
Rep. by its Managing Director,
Egmore, Chennai. .. Respondents in both
W.P.s

(R-2 is Suo Motu impleaded vide order dated 10.06.2016 in
W.P.Nos.17377 & 17378/16)

COMMON PRAYER: Petitions filed under Article 226 of The
Constitution of India praying for the issuance of a Writ of
Mandamus directing the respondents to pass orders on the
representation dated 14.03.2016 given by the petitioners.

For Petitioner in both W.P.s: Mr.R.Gururaj

For Respondents in both W.P.s: Mr.M.Elumalai,
Government Advocate

COMMON ORDER

These writ petitions have been filed by the persons, who
lost the property to an extent of 1.35.5 hectares and 0.24.5
hectares located at Andarmullipalam Village, Cuddalore Taluk,
Cuddalore District comprising in respective Survey Nos., as
detailed hereunder :-

W. P. No.17377 of 2016

Serial No.	Survey No.	Extent Hec. Area
1	111/9	0.40.0
2	112/2	0.13.5
3	112/3	0.05.5
4	112/4	0.05.5
5	112/9	0.18.0
6	112/10	0.46.5
		1.35.5

W. P. No.17378 of 2016

Serial No.	Survey No.	Extent Hec. Area
1	111/4	0.03.5
2	112/8	0.21.0
		0.24.5

2.The learned counsel for the petitioners states that an award was passed in No.1/2000, dated 17.04.2000, and a sum of Rs.31,599/- was fixed without taking into account the consideration for valuable trees. Therefore, the amount was received by the petitioner with objection. Subsequently, the case was referred to the Land Acquisition Court through LAOP No.44 of 2001 and by order dated 16.12.2006, the Sub Court, Cuddalore, enhanced the compensation, against which the first respondent filed Appeal Suit in A.S No.821 of 2010 and No.820 of 2010 before this Court respectively. This Court, by order dated 8.10.2010, passed the conditional order directing the appellant herein to deposit 60% of the award amount and on such deposit, the petitioners were permitted to withdraw 30% of the award amount. The petitioners would further contend that the possession of the property was not taken and remains with the petitioners. Therefore, he sent a representation on 14.03.2016 claiming benefit under Section 24 (2) of the Right to Fair Compensation and transparency in Land Acquisition Rehabilitation & Resettlement Act, 2013 seeking possession. The said representation has not been disposed. Therefore, the petitioners approached this Court.

3. Subsequently, this Court impleaded SIPCOT as party respondent, as the lands were acquired for SIPCOT purpose only. The counter affidavit, after service on the petitioners have been filed before this Court.

4. The 2nd respondent has filed a counter stating that the possession of the property was handed over by the 1st respondent to them on 22.05.2000 and vide order dated 04.04.2008, totally, an extent of 1065.96 acres, which included an extent of 18.92 acres in Andarmullipalam Village had been given by 1st allotment to M/s. Nagarjuna Oil Corporation Limited and lease deed was executed on 30.09.2008 and vide order dated 10.06.2011, 2nd allotment was made to an extent of 1647.34 acres (1065.96 + 581.38), in favour of the said Corporation and the lease deed in respect of the same was executed on 12.08.2011. Therefore, according to the 2nd respondent, the provisions of the new Act will not be applicable.

5. It is seen from the records that the property was acquired and award was passed on 17.04.2000. Compensation amount was already paid and subsequently, the matter with regard to the quantum of compensation in A.S. No.821 of 2010 and A.S. No.820 of 2010 respectively are pending before this Court in which out of 60% of the award amount deposited, 30% of the amount was already withdrawn by the petitioner. The first respondent took possession and handed over the property to the second respondent on 22.05.2000. The 2nd respondent in turn allotted the property and handed over possession of the property on 12.08.2011 to M/s. Nagarjuna Oil Corporation Limited, Cuddalore. In view of the above, the provisions of the new Act is not applicable. Further the Objection raised stands cancelled. Even though writ of Mandamus is sought to consider the representation of the petitioner, dated 14.03.2016, seeking benefit under the new Act, in view of the above, the relief sought for in this writ petition cannot be granted. Accordingly, these writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petition, if any is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Vsi2

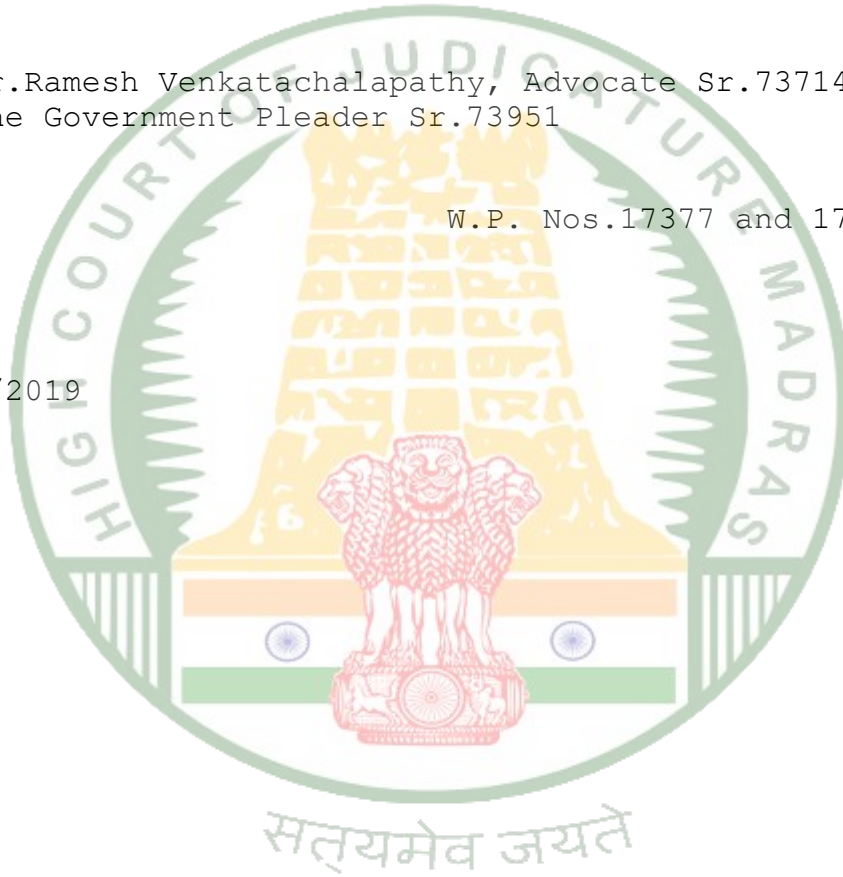
To

The Special Tahsildar,
Land Acquisition,
SIPCOT, TACID(No.4),
Cuddalore Taluk and District.

+2cc to Mr.Ramesh Venkatachalapathy, Advocate Sr.73714
+1cc to the Government Pleader Sr.73951

W.P. Nos.17377 and 17378 of 2016

ssd[col]
srg 25/04/2019



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