

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P No.10656 of 2018

and W.M.P.No.12602 of 2018

1.A.Kathavarayan

2.A.Govindan

...Petitioners

Vs

1.The District Collector,
Kanchipuram District,
Collectorate Campus,
Kanchipuram.

2.The Special Tahsildar (L.A),
SIPCOT Unit -3,
Sriperumbudur Expansion Scheme II,
Sriperumbudur - 602 105.

3.The Managing Director,
State Industries Promotion
Corporation of Tamil Nadu Ltd.,
(SIPCOT) No.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 8.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of Writ of Mandamus, directing the respondents to pass an award for the landed properties situated in No.121, Vadagal B Village Accounts comprised in S.Nos.266/4 - 0.26.0 Ares, 266/5 -0.23.5 Ares, 266/7 - 0.12.0 Ares, 266/8B - 0.03.0 Ares, 150/9 - 0.26.0 Ares, 157/1A1 - 0.16 cents, 159/4B - 0.12.5 Ares and 166/ - 12B1A - 0.21.5 Ares, Sriperumbudur Taluk under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013, to serve the award copy and to refer the matter to a Civil Court under Section 9 and 8 of the Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997.

For Petitioners : Mr.Y.Jyothish Chander

For Respondents : Mr.Akhil Akbar Ali

Government Advocate for R1 and R2

Mrs.B.Sudharsana Sunder

Standing Counsel for R3.

O R D E R

Mr.Akhil Akbar Ali, learned Government Advocate takes notice on behalf of the respondents. By consent of the learned counsel appearing for the parties, the writ petition is taken up for final hearing at the admission stage itself.

2. The petitioners have come forward with the present writ petition seeking a direction to the respondents to pass an award in respect of the lands of the petitioners, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013 and to refer the matter to a Civil Court under Section 9 and 8 of the Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997.

3. The case of the petitioners is that the respondents had initiated acquisition proceedings to acquire the lands of the petitioners situated in No.121, Vadagal B Village Accounts, comprised in S.Nos.266/4 - 0.26.0 Ares, 266/5 -0.23.5 Ares, 266/7 - 0.12.0 Ares, 266/8B - 0.03.0 Ares, 150/9 - 0.26.0 Ares, 157/1A1 - 0.16 cents, 159/4B - 0.12.5 Ares and 166/ - 12B1A - 0.21.5 Ares, Sriperumbudur Taluk. It is further stated that the petitioners along with his brother have filed a suit for partition in O.S.No.92 of 2005 on the file of the Sub Court, Tiruvallur, which is now transferred to Sub Court, Kancheepuram and re-numbered as O.S.No.135 of 2007. The petitioners sent a representation dated 03.03.2018 to the respondents to pass an award and refer the matter to the competent Civil Court for proper disbursement. Since, it was not considered, the present writ petition.

4. The learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the second respondent to consider the representation of the petitioners.

5. The learned Government Advocate appearing for the respondents 1 and 2 submitted that the representation of the petitioners would be considered in accordance with law.

6. In the light of the above submissions made by the learned counsels on either side, this Court, without going into the merits of the case, directs the second respondent to consider and pass orders on the representation of the petitioners dated 03.03.2018, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to all the necessary parties.

7. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Kanchipuram District,
Collectorate Campus,
Kanchipuram.

2.The Special Tahsildar (L.A),
SIPCOT Unit -3,
Sriperumbudur Expansion Scheme II,
Sriperumbudur - 602 105.

+lcc to Mr.Y.JYOTHISHCHANDER, Advocate, S.R.No. 30994
+lcc to the Government Pleader, S.R.No. 32744

W.P No.10656 of 2018
and
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KGK (CO)
TR(23/05/2018)

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