

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.32918 of 2017

C.K.Shashi Menon

...Petitioner

Versus

1. The Secretary to Government,
Government of Tamil Nadu,
Industries Department,
Fot St.George, Chennai - 600 009.
 2. The Special Tahsildar (Land Acquisition),
SIPCOT, Sriperumbudur Expansion Scheme Unit - I,
Sriperumbudur Taluk,
Kancheepuram District.
-Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay adequate compensation to the petitioner in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 towards acquisition of his lands measuring 4200 Sq.ft, situated at Plot Nos.268 and 269, 'VGP Vinoth Town Part II' comprised in Survey Nos.122/4F and 122/4G of Palnallur Village, Sriperumbudur Taluk, Kancheepuram District, within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.K.Surendar

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

ORDER

The grievance of the petitioner is that the petitioner's property in Plot No.268 and 269 of VGP Vinoth Town-Part II ad-measuring a total extent of 4200 Sq.ft, comprised in Survey Nos.122/4F and 122/4G of Palnallur Village, Sriperumbudur Taluk, Kancheepuram District was acquired under the provisions of Tamil Nadu Acquisition of Land For Industrial Purposes Act, 1997 (hereinafter referred to as "Act"). On 29.11.2011, Notification under Section 3(1) of the Act was issued, but till date no award was passed. The petitioner therefore insists that an award be passed in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (Central Act 30 of 2013).

2. Mr.Akhil Akbar Ali, the learned Government Advocate entered appearance for the respondents. He made a statement on instructions that an award in the matter is yet to be passed.

3. The learned counsel for the petitioner submitted that on issuing a Notification under Section 3(1) of the Act, the property to be acquired vests in the State and that they also issued check-slips to the Sub Registrar Office concerned not to register any document of conveyance by the owners of the land, and by delaying the passing of the award infinitely, the respondent denied the petitioner an opportunity to make a living with his property. In other words, they can neither raise any money by transacting the same nor utilize the property, nor are paid any compensation.

4. The experience of the petitioner is not unfamiliar in this State and there are several such acquisition where owners of the land are treated as a second grade citizen by the administrative functionaries. This Court therefore directs the second respondent to expedite the process of passing the award.

5. In this regard, it may be noted that the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (Central Act 30 of 2013) came into effect on 01.01.2014 and as per Section 105-A and 2 of the Central Act, any compensation that is payable/awardable under the provisions of the Tamil Nadu Acquisition of Industrial Purposes Act, 1997 shall not dilute the compensation payable or re-settlement or benefits offered under the Central Act 30 of 2013. The Government too has come up with G.O.(Ms.)No.251 Industries (SIPCOT-LA) Department dated 31.12.2014, and extended the benefits that the Right to Fair Compensation Act confers on the owners of the lands acquired to those who are similarly placed in an acquisition proceedings under the Industrial Purposes Act. This issue is also no more res integra, and the Order of this Court in V.Sathish Kumar and Ors. Vs. The Secretary to Government, Industries Department, Government of Tamil Nadu and Ors. [MANU/TN/1116/2017] is required to be followed.

6. In the result, this Court allows the petition, directs the Land Acquisition Authority to pass an award after offering the petitioner a fair and effective opportunity to present his case and pass an award in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (Central Act 30 of 2013) within a period of four months from the date of receipt of a copy of this order and make the payment paid to the petitioner promptly. No costs.

mrr

Sd/-

Assistant Registrar(cS II)

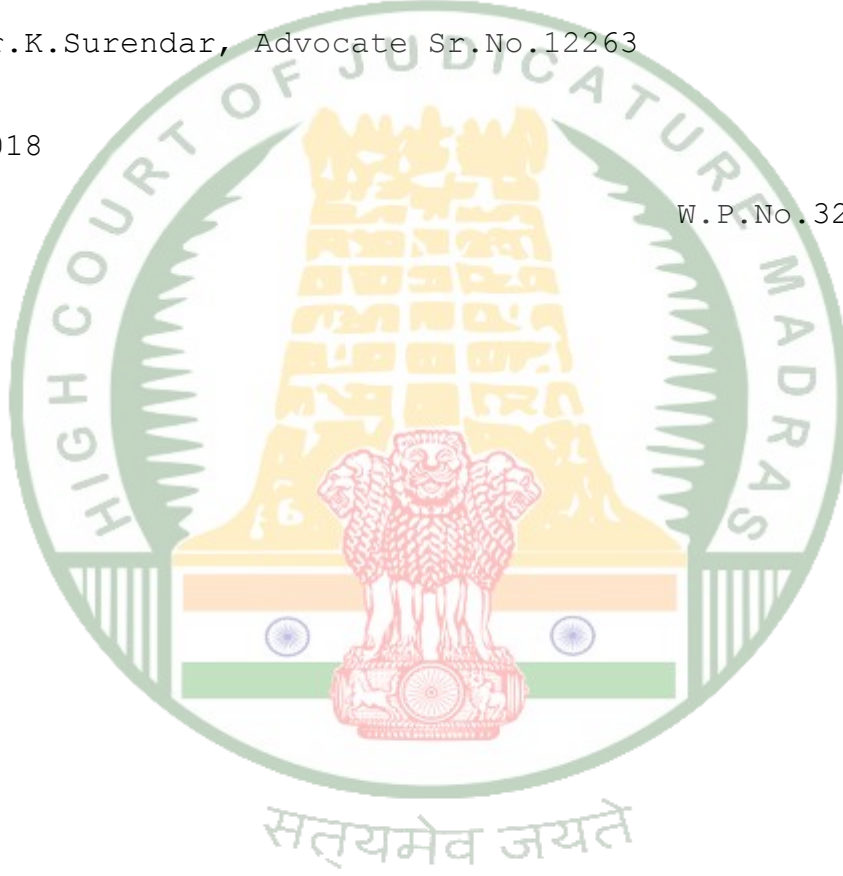
To

1. The Secretary to Government,
Government of Tamil Nadu,
Industries Department,
Fort St.George, Chennai - 600 009.
2. The Special Tahsildar (Land Acquisition),
SIPCOT, Sriperumbudur Expansion Scheme Unit - I,
Sriperumbudur Taluk,
Kancheepuram District.

+1cc to Mr.K.Surendar, Advocate Sr.No.12263

SKS (CO)
sm:29.5.2018

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