

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.02.2018

CORAM

THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P.No.15905 of 2017

K.Devaraj

..Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Managing Director,
SIPCOT, No-10-A,Rukmani Lakshimipathy
Road, Egmore, Chennai-08.
- 3.The Special Tahsildhar (Land Acquisition),
SIPCOT-TACID Division, Oragadam Scheme,
Irungattukottai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider and decide on petitioner's representation dated 30.01.2017 submitted to the first respondent.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

1. This petition is filed to direct the first respondent to consider and decide on petitioner's representation dated 30.01.2017 submitted to the first respondent.

2. The grievance of the petitioner is that the entire property admeasuring 12.99 cents in Survey Nos.449/2, 458/1, 459/2 and 459/3 of Jamunampattu Village, Vallam B, Sriperumpudur Taluk, Kancheepuram District were acquired under the provisions of the Land Acquisition Act, 1894, and an award passed on 09.10.2000, for establishing an Industrial Estate by SIPCOT. The

petitioner's submission is that for the past 17 years, the property has not been taken possession of by the Government from the date of passing of the award and the property may be re-conveyed by the authorities under Section 48-B of the Act. He filed the representation on 30.01.2017, but the authorities have not responded to this.

3. Mr.Akhil Akbar Ali, learned Government Advocate takes notice for the respondents 1 and 3. The learned counsel for the petitioner submitted that even though the petitioner filed representation only under Section 48-B of the said Act. The said provision of the Land Acquisition Act, 1894 has been repealed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act (Central Act 30 of 2013) and the relevant portion is Section 101 of the New Act. The learned counsel added that unlike Sec. 101 of the present Act, no right was vested in the erstwhile land owners to demand re-conveyance and under Section 48-B of the earlier Act. Secondly, the representation was made only to the first respondent-District Collector.

4. This petition is accordingly disposed of with a modified direction that the petitioner makes a fresh representation to the Government under Section 101 of the New Act within a period of four weeks from the date of receipt of copy of this order, whereinafter the Government shall dispose of the same after due enquiry as per law within a period of three months after affording the petitioner an opportunity of hearing in the matter. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

vv

To

1.The District Collector,
Office of the District Collector,
Kancheepuram District,
Kancheepuram.

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2.The Managing Director,
SIPCOT, No-10-A,Rukmani Lakshimipathy
Road, Egmore, Chennai-08.

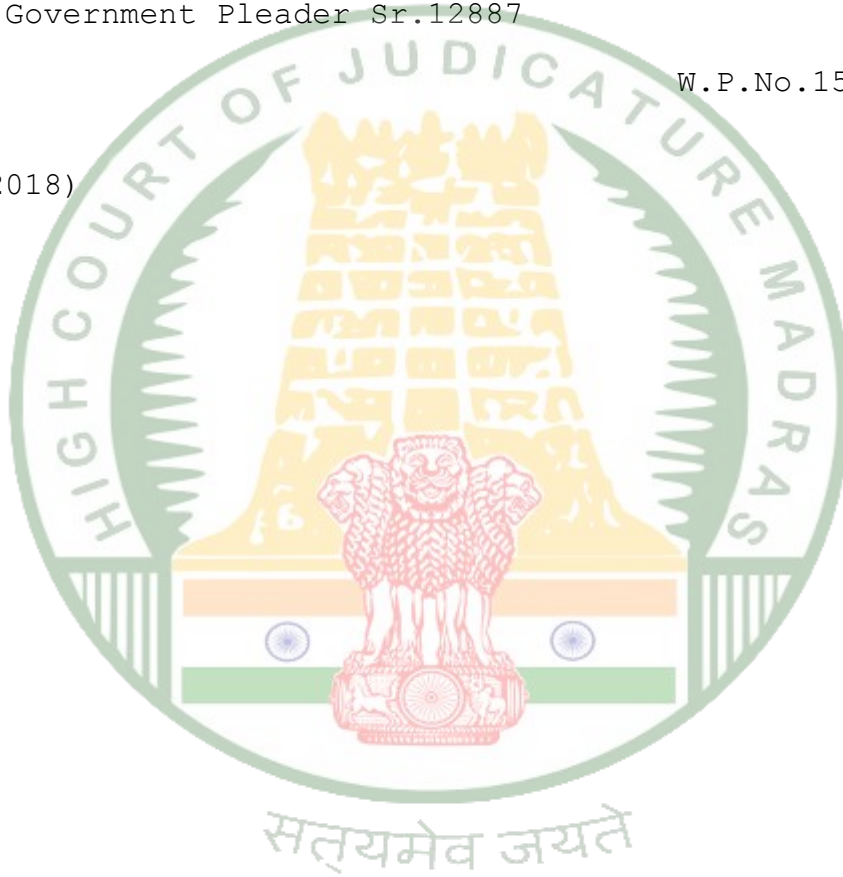
3.The Special Tahsildhar (Land Acquisition),
SIPCOT-TACID Division, Oragadam Scheme,
Irungattukottai..

+ 1 cc to MR. S. Saravanan, Advocate Sr.11902

+ 1 cc to Government Pleader Sr.12887

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NRK(CO)
EU(19/03/2018)



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