

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.19847 of 2017

T.Jose

... Petitioner

Vs

1. The Secretary to Government,
Industries Department,
Fort St.George,
Chennai-9.

2. The District Collector,
District Collectorate,
Kancheepuram District.

3. The Special Tahsildar (Land Acquisition),
Sipcot Unit-I, Oragadam Extension Scheme-II,
Sriperumbudur, Kancheepuram District. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 3 to consider the representation dated 17.06.2017 made by the petitioner herein seeking compensation for the acquired land at Plot No.107, Eraiyur Village-182, Vickrama Singapuram Part-II, Vaipur B Block, Sriperumbudur Taluk, Kancheepuram District in landed survey No.245/1, Patta No.868 in subdivision survey No.245/1C to the extent of 2400 Sq.fts.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.M.Karthikeyan
Additional Government Pleader

O R D E R

The grievance of the petitioner is that the land acquisition proceedings were initiated under the provisions of Tamil Nadu Act 10 of 1999 initiated under Tamil Nadu Act of Industrial Purposes Act, 1997.

2. As per information obtained by the petitioner under the provisions of Right To Information Act, the Special Tahsildar, Land Acquisition/Public Information Officer has informed the petitioner vide communication dated 18.06.2014, that possession was taken on 06.01.2009. Notwithstanding the same, no award has yet been passed. Therefore the petitioner sent a dateless representation and another representation dated 17.06.2017, wherein the petitioner has required the land acquisition authority to pass an award in terms of Central Act, 2013.

3. The learned counsel for the petitioner submitted that the Land Acquisition Authority has been dragging his feet in passing the award as he was not certain as to the applicability of Central Act, 30 of 2013 to the present acquisition. Since no award has been passed till date, and possession has been taken, the compensation has to be worked out only on the basis of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Mr.M.Karthikeyan, learned Additional Government Pleader takes notice for the respondents. He may submit on instructions that the land acquisition authority will be passing the award without delay in terms of Central Act 30/2013.

5. This Court therefore, directs the respondents to pass an award in terms of the enactment within four months from the date of receipt of a copy of this order and within two weeks thereafter, the petitioner is directed to approach the respondents 2 and 3 and copy of the award to facilitate those authorities to comply the direction of this Court and pass award in terms thereon.

6. With the above direction, this petition is disposed of. No costs. For compliance, post the matter on 16.07.2018.

सत्यमेव जयते Sd/-

Assistant Registrar (CS-V)

//True Copy//

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Sub Assistant Registrar

To

1. The Secretary to Government,
Industries Department,
Fort St.George,
Chennai-9.

2. The District Collector,
District Collectorate,
Kancheepuram District.

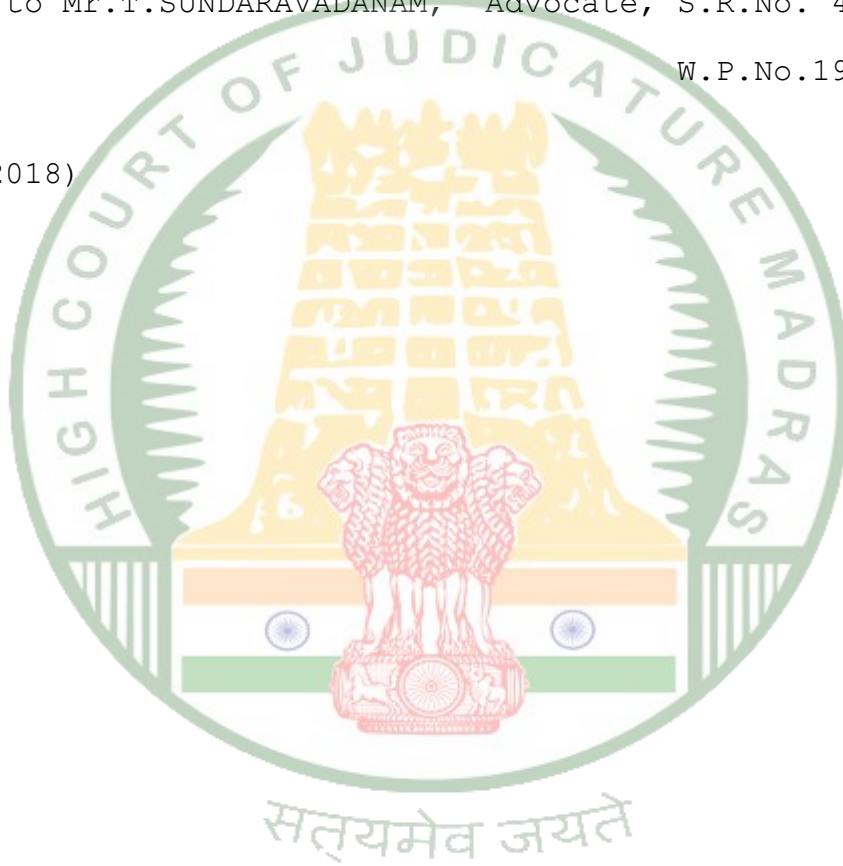
3. The Special Tahsildar (Land Acquisition),
Sipcot Unit-I, Oragadam Extension Scheme-II,
Sriperumbudur, Kancheepuram District.

4. The Section Officer,
Writ Section, High Court, Madras.

+1cc to Mr.T.SUNDARAVADANAM, Advocate, S.R.No. 4497

W.P.No.19847 of 2017

AK(CO)
TR(15/02/2018)



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