

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.22992 of 2016

1.S.Murali
2.B.Suryanarayanna
3.B.S.Purushotham
4.Imran Khan
5.Raj Mohammed Sharif
6.Nafisa Jeddy
7.Sajida Imran Khan .. Petitioners

Versus

1. The State of Tamil Nadu,
Rep.by Principal Secretary to Government,
Industries Department, Govt.of Tamil Nadu,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The District Collector,
Kancheepuram.
3. The Revenue Divisional Officer,
Kancheepuram.
4. The Special Tahsildar,
SIPCOT,
Sriperumbadur,
Kancheepuram.
5. The Chairman-cum-Managing Director,
SIPCOT,
Sriperumbadur,
Kancheepuram District. .. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents herein to consider the representations of the petitioners and pay compensation at the rate of Rs.450/- per sq.ft for the entire extent of land of 1.35 acres comprised in Survey Nos. 213, 217, 218 and 219 at No.103, Pillaipakkam Village, Sriperumbadur Taluk, Kancheepuram District.

For Petitioners : M/s.AL.Ganthimathi

For Respondents : Mr.N.Inbanathan
Additional Government Pleader
for R1 to R3

Mr.Ramesh Venkatachalapathy
for R4 & R5

O R D E R

This writ petition has been filed seeking for issuance of writ of mandamus, directing the respondents to consider the representations of the petitioners and to pay compensation at the rate of Rs.450/- per sq.ft, for the entire land measuring to an extent of 1.35 acres.

2. The case of the petitioners is that they are the owners of the land comprised in Survey Nos.213, 217, 218 and 219 at No.103, Pillaipakkam Village, Sriperumbadur Taluk, Kancheepuram District. The burial ground in the village was acquired by the fourth respondent SIPCOT. Since, the general public in Pillaipakkam Village did not have a burial ground, a writ petition in W.P.No.2899 of 2013 was filed. Pursuant to the orders passed in the writ petition, the petitioners land was acquired by the respondents by private negotiation. Though, the petitioners have demanded Rs.700/- per sq.ft, but, in a private negotiation they agreed to receive Rs.450/- per sq.ft.

3. According to the petitioners, the fourth respondent was willing to pay Rs.300/- per sq.ft. and therefore the matter was referred to the respondents 2 and 3 for fixing the market value. Despite, the third respondent has now fixed the market value at Rs.450/- per sq.ft., but, so far the compensation was not paid, hence, the present writ petition.

4. Heard both sides and perused the material documents available on record.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3, based on instructions, submitted that the third respondent Revenue Divisional Officer, Kancheepuram, has already fixed the compensation amount at Rs.450/- per sq.ft., which was also communicated to the SIPCOT, hence, they have to pay the compensation to the petitioners.

6. The learned counsel appearing for the respondents 4 and 5 submitted that the fifth respondent is ready to pay the compensation to the petitioners, however, the amount fixed by

the Revenue Divisional Officer is to be approved by the District Collector and after getting approval from the District Collector, the same shall be sanctioned by the concerned authority.

7. The learned counsel for the petitioners submitted that the land of the petitioners were acquired by the respondents in the year 2011, possession was also taken, but, so far, the respondents have not paid the compensation amount and they are in need of money.

8. Perusal of the letter of the third respondent dated 31.10.2016 in Na.Ka.No.30319/2008/M, would reveal that the third respondent had already fixed the market value at the rate of Rs.450/- per sq.ft and the same was informed to the fifth respondent.

9. In the light of the above facts and the submissions made by the learned counsels on either side, this Court directs the second respondent to pass final orders on the decision taken by the third respondent as referred supra, within a period of three weeks from the date of receipt of a copy of this order. In the event of approval is granted, the fifth respondent shall pay the compensation amount to the petitioners, within a period of eight weeks therefrom.

10. With the above directions, this writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

ms

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Industries Department, Govt.of Tamil Nadu,
Fort St.George, Secretariat,
Chennai - 600 009.

2. The District Collector,
Kancheepuram.

3. The Revenue Divisional Officer,
Kancheepuram.

4. The Special Tahsildar,
SIPCOT,
Sriperumbadur,
Kancheepuram.

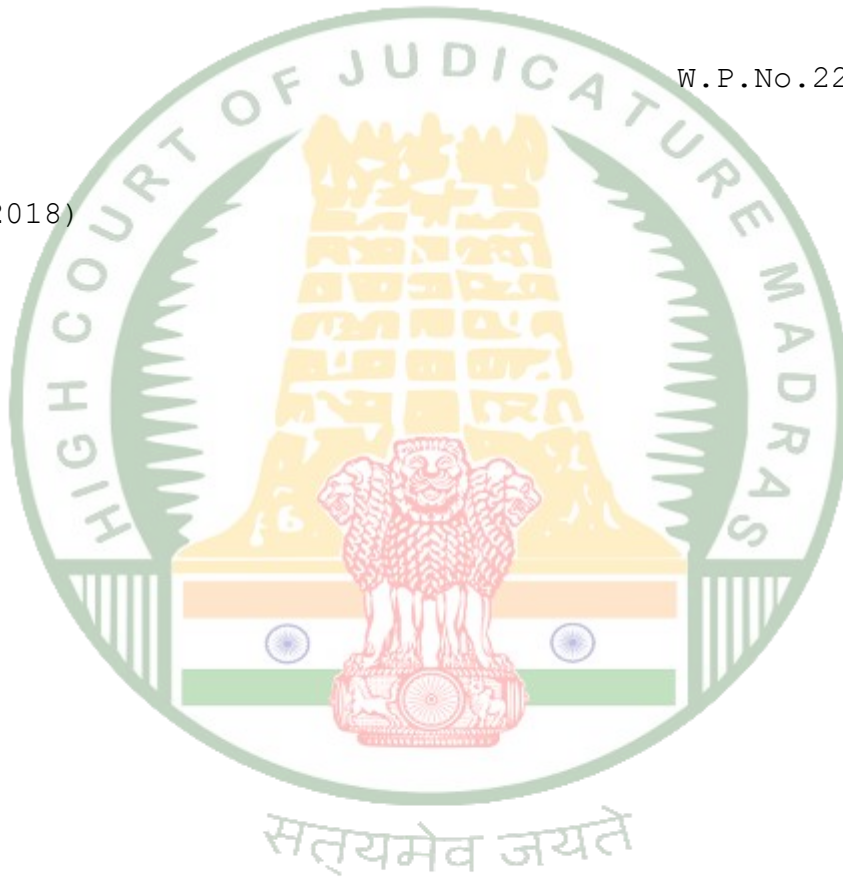
5. The Chairman-cum-Managing Director,
SIPCOT,
Sriperumbadur,
Kancheepuram District.

+1 CC to Mr.A.L. Gandhimathi, Advocate sr 16055.

+1 CC to Govt. Pleader sr 16722.

W.P.No.22992 of 2016

LRS (CO)
SP (03/04/2018)



WEB COPY