

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 34101 of 2014

K.M.Asan Sheik

... Petitioner

Vs

1. The Government of Tamil Nadu,
by its Principal Secretary,
Commissioner of Land Administration,
Chepauk, Chennai-600 005.

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

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue appropriate Writs, orders or Directions and in particular issue a Writ of Mandamus, directing the respondents to drop acquisition proceedings made against the petitioner's lands in Survey Nos.230/4U, 231/7U, 231/8N, 231/8Q, 124/11, 74/32, 54/4A1A, 57/18, 57/29, 57/37, 44/2A1, 61/1A1A, 47/7A1, 74/32 & 124/11 in the Villages in Vallam A & B, Vadakal A & B, Budanur, Palanallur in Sriperumbudur Taluk,

Kancheepuram District for SIPCOT as stood lapsed in view of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" (Act 30 of 2013).

For Petitioner : Mr.S.R.Sundaram

For Respondents : Mr.D.Raja,
Addl. Government Pleader

ORDER

This writ petition has been filed seeking a direction to drop the land acquisition proceedings initiated against various Survey Nos. Nos.230/4U, 231/7U, 231/8N, 231/8Q, 124/11, 74/32, 54/4A1A, 57/18, 57/29, 57/37, 44/2A1, 61/1A1A, 47/7A1, 74/32 & 124/11 in the Villages in Vallam A & B, Vadakal A & B, Budanur, Palanallur in Sriperumbudur Taluk, Kancheepuram District. The petitioner's lands were acquired for expansion of Sriperumbudur Industrial Complex for SIPCOT under the Tamil Nadu Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1989).

2. The grievance of the petitioner is that even though the award has been passed, and the compensation has been paid to various Survey numbers, in respect of Survey No.61/1A1A, an extent of 2400 sq. ft. and another Survey No.119/7 an extent of 2200 sq.ft., the compensation amount has not been paid to the

petitioner, and on that ground, the petitioner has now sought for the above prayer.

3. Mr.S.R.Sundaram, learned counsel appearing for the petitioner submitted that a vast extent of land was acquired, and in respect of Survey No.61/9 in Re-Survey No.61/1A1A, measuring 2400 sq.ft., the compensation amount was not paid. That apart, in respect of Survey No.72/3, two plots bearing Nos.763 and 764 measuring 4800 sq.ft., which was situated in the centre of the area, the respondents without any reason whatsoever, have not acquired the above said two plots while acquiring the surrounding the lands. Now, the above said land is lying without any access, and hence, the petitioner cannot use the lands. Therefore, the respondents may be directed to acquire the said lands also.

4. The respondents have filed the detailed counter stating that the lands were acquired by them for the purpose of expansion of SIPCOT Industrial Complex at Sriperumbudur under the provision of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997, and an award was also passed. The petitioner has already surrendered the possession of lands owned by him to the Government, and also received the

compensation as fixed by the Government for the lands acquired from the petitioner. Now, the petitioner after receipt of the compensation amount, and the possession was already taken by the respondents, cannot claim any relief under the Act 30 of 2013.

5. Mr. D.Raja, learned counsel appearing for the respondents, on instructions, submitted that in respect of Survey No.61/1A1A measuring an extent of 2400 sq.ft., already the award has been passed and it was also intimated to the petitioner, but, so far, the petitioner did not come forward to receive the compensation. The learned counsel has further submitted that now, the respondents are ready and willing to pay the compensation at any time, and in respect of Survey No.119/7, the respondents did not acquire the lands. In the said circumstances, no compensation amount has been paid to him. It is further stated that in respect of Survey No.72/3, the land has been classified as a wet land in Sub-division No.72/3. Hence, it was not acquired.

6. the learned counsel appearing for the petitioner

submitted that he has received the compensation amount for the lands acquired in other survey numbers, except survey No.61/1A1A. Since the award amount has been now available with the Special Tahsildar, (Land Acquisition), SIPCOT, Unit-II, the petitioner is directed to approach the Special Tahsildar (Land Acquisition), SIPCOT, Sriperumbudur Expansion Scheme-II, Sriperumbudur and receive the compensation without prejudice to his right to challenge the award or seek any relief under Sec.24(2) of the Act 30/2013. So far as survey No.119/7 is concerned, since the land was not acquired, the petitioner is not entitled to receive any compensation.

7. The learned counsel appearing for the petitioner has made a request that two plots in Survey No.72/3, which were not acquired situated in the middle, and the petitioner has no access to the land, he cannot use the same.

8. Considering the above circumstances, the petitioner is directed to file a fresh representation before the 1st respondent Managing Director, SIPCOT as well as to the 2nd respondent for acquiring the above lands also. On filing such representation, the 1st respondent and the Managing Director are directed to consider the representation and pass suitable orders on merits

and in accordance with law. In the result, the present Writ Petition is disposed of with the above direction. No costs.

12.11.2018

Index:Yes/No
Internet:Yes/no
Speaking Order/Non Speaking Order
rpp

Issue the order copy on 13.12.2018

To

1. The Principal Secretary,
Government of Tamil Nadu,
Commissioner of Land Administration,
Chepauk, Chennai-600 005.
2. The District Collector of Kancheepuram,
District Collectorate,
Kancheepuram.

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V.BHARATHIDASAN,J.

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