

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.23717 of 2016
and
W.M.P.Nos.20325 & 24338 of 2016

S. Sarup Chand

...Petitioner

Versus

1. The Land Acquisition Officer,
Cum The District Collector,
Villupuram District,
Villupuram.
2. The Special Tahsildar (LA) - I,
SIPCOT,
Tindivanam.
3. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.

(R3 is suo motu impleaded as per Order dated 07.02.2018 by NSSJ in W.P.23717 of 2016)

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Direction particularly in the nature of a Writ of Declaration declaring that the entire land acquisition proceedings in respect of the lands of the petitioner in S.F.No.57/8 and S.F.No.57/9 measuring 1.75.0 hectares and 0.06.5 hectares situate in Pelakuppam Village, Tindivanam Taluk, Villupuram District for the purpose of establishment of SIPCOT Industrial Park is Null and Void.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr. M. Karthikeyan,
Additional Government Pleader

ORDER

1. The case of the petitioner is that his property in Survey Nos.57/8 and 57/9 measuring about 4.569 Acres in Pelakuppam Village, Thindivanam Taluk, Villupuram District which he purchased on 07.05.2007, was sought to be acquired under the provisions of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as "Act"). According to him, a notice dated 23.09.2015 was issued to the petitioner informing him about the disbursement of amount. The petitioner submits that at no time prior to the passing of the award, he was informed either about the acquisition or about the enquiry of passing the award.

2.1. In the counter affidavit of the Special Tahsildar/second respondent herein, it is averred that notwithstanding the fact that the petitioner might have purchased the property earlier, the Patta was not transferred prior to the intended acquisition, and as per the E-Chitta, it was on 14.07.2016 only the said patta was transferred in his name. It is alleged that the Government proposed the acquisition of the property of the petitioner and others under the provisions of the Act for the purpose of establishing a Industrial Estate on behalf of SIPCOT and the Notification was issued on 16.12.2010. Therefore, as on the date of first Notification in 2010, the property stood in the name of the erstwhile owner. It also made available the copy of the said E-Chitta issued by the Government.

2.2. The learned Additional Government Pleader also submitted that the possession of the property was taken and handed over to SIPCOT.

3. Heard Mr.K.Govi Ganesan, the learned counsel for the petitioner and Mr.K.Karthikeyan, the learned Additional Government Pleader for the respondents.

4. The learned counsel for the petitioner submitted that the petitioner has purchased a property on 07.05.2007, wherein after, he approached the Authority to effect mutation in the Revenue Record and the Zonal Deputy Tahsildar-III, Tindivanam. Vide proceedings dated 27.09.2007, directed mutation in the Revenue Record. This apart, document was not controverted in the counter affidavit of the second respondent, argued the learned counsel.

5. There are two aspects to this particular dispute:

- a) In this State, relevant charges for effecting mutation in the Revenue Record are being received even at the Office of Sub Registrars where the document of conveyance was

presented for registration. If that is so, it is not known why should the petitioner be driven to effect mutation before the Revenue Official all over again.

b) This apart, on fact, in this case, there is a proceeding dated 29.07.2007 directing the transfer of patta in the name of the petitioner, and this has not been controverted in the counter affidavit.

6. Essentially, it is case which the plaintiff should succeed in having the acquisition proceedings quashed. Accordingly, the acquisition as regards the property of the petitioner is hereby quashed. Given the circumstances where possession has already been handed over to the SIPCOT, the respondents are directed to issue fresh notice on the petitioner and commence a fresh acquisition proceedings in accordance with law, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mrr
To

1. The Land Acquisition Officer,
Cum The District Collector,
Villupuram District,
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Registration Department,
No.100, Santhome Hogh Road,
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+1cc to Mr.K.Govi Ganesan, Advocate Sr.11074

W.P.No.23717 of 2016

mr[co]
srg 29/06/2018