

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 30.11.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.31184 of 2018

and

W.M.P.No.36389 of 2018

V.Bharani

... Petitioner

Vs.

1. The State of Tamil Nadu  
rep. by the Secretary of Government  
Department of Industries,  
Fort St.George, Chennai - 9
2. State Industries Promotion Corp. of Tamil Nadu  
Rep. by its Chairman and Managing Director,  
19-A, Rukmani Lakshmipathy Road,  
Egmore, Chennai - 8.
3. The District Collector,  
Kancheepuram District,  
Kancheepuram.
4. The Special Tahsildar (L.A),  
SIPCOT Unit VI,  
Sriperumbudur Expansion Scheme II,  
Sriperumbudur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order in Na.Ka.No.5/09 aa, Block-7, dated 20.12.2017 of the 4th respondent and quash the same as illegal and directing the respondents to refer the petitioner's acquisition of land in 1) S.No.299/4 admeasuring 0.35.5 hec., 2) S.No.300/13 admeasuring 0.20.0 hec, 3) S.No.300/9 admeasuring 0.54.5 hec and 4) 300/12 admeasuring 0.21.5 hec. totally measuring 1.31.5 hec., in Vallam " A " alias Vallakottai Village, Sriperumbudur Taluk, Kancheepuram District, acquired for Sipcot Sriperumbudur expansion scheme -II, to the competent Court of Law for reference under Section 8(1) of Act 10/99 or Tamil Nadu Industrial Act 1997.

For Petitioner : Mr.A.S. Vijay Anand  
For Respondents : Mr C.Thirumaran,  
Spl. G.P.

O R D E R

This writ petition has been filed challenging the order passed by the Tahsildar, 4th respondent, refusing to refer the award under the Tamil Nadu Acquisition of land for Industrial Purposes Act .

2. The grievance of the petitioner is that, the petitioner's lands were acquired for formation of SIPCOT Sriperumbudur Expansion Scheme. Thereafter, notice was issued to the petitioner under Section 7(2) of the Tamil Nadu Acquisition of land for Industrial Purposes Act 10/99, requesting him to come forward for agreement regarding the compensation, but the petitioner was not willing for any agreement for payment of the compensation fixed by the Government. In the said circumstances, the petitioner had filed an application before the Tahsildar seeking to refer the case for higher compensation, which was not considered. Hence, the present writ petition has been filed.

3. The learned Special Government Pleader appearing for the respondents, on instruction, submitted that so far award has not been passed by the 4th respondent and the question of reference will come only after passing of the award. After passing the award, if the petitioner is not willing to accept the award, it is always open to him to sought for reference.

4. Considering the fact that an award is yet to be passed by the respondents, question of the reference does not arise at this stage.

5. Accordingly, this writ petition is dismissed. No costs. consequently, connected miscellaneous petition is closed. However, after passing of award, if the petitioner has any grievance, it is always open to him to sought for reference.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

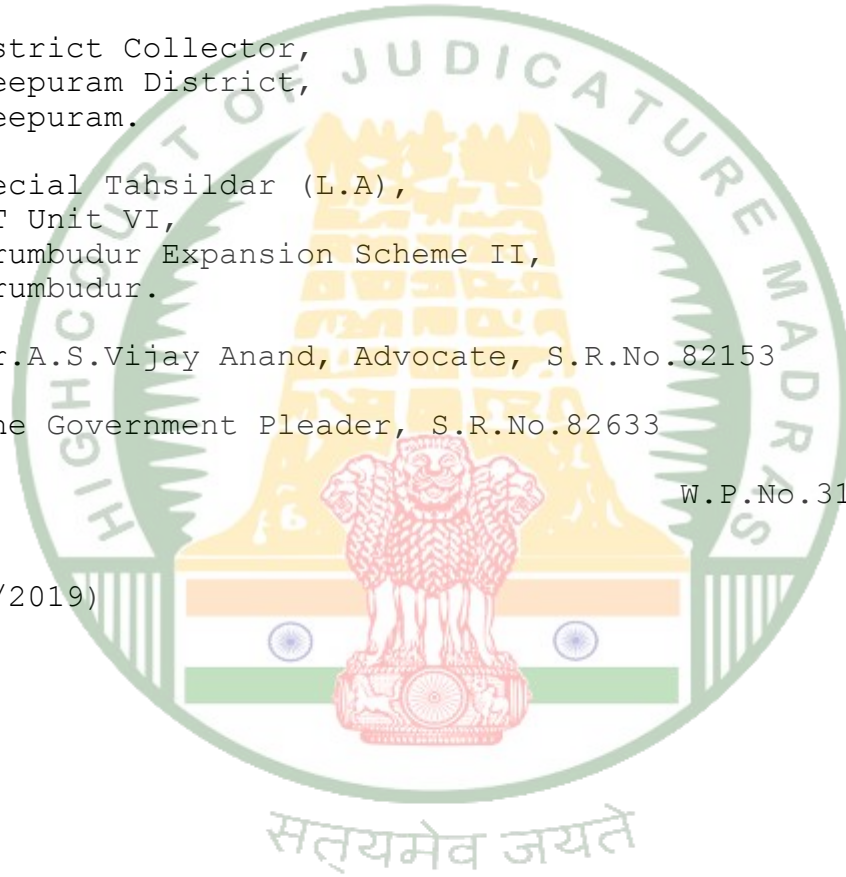
1. The Secretary,  
The State of Tamil Nadu  
Department of Industries,  
Fort St.George, Chennai - 9
- 2.The Chairman and Managing Director,  
State Industries Promotion Corp. of Tamil Nadu  
19-A, Rukmani Lakshmipathy Road,  
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Sriperumbudur.

+1cc to Mr.A.S.Vijay Anand, Advocate, S.R.No.82153

+1cc to the Government Pleader, S.R.No.82633

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KJI(CO)  
GSP(15/02/2019)



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