

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21..12..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.31868 of 2018

Mani Sekar

... Petitioner

-Versus-

- 1.The Secretary,
Industries (SIPCOT-LA) Department,
Secretariat,
Fort St. George,
Chennai 600009.
- 2.The Managing Director,
SIPCOT,
Egmore, Chennai 600008.
- 3.The District Collector,
Kancheepuram District,
Kancheepuram.
- 4.The Special Tahsildar (L.A.),
SIPCOT, Unit-I,
Sriperumbudur Expansion Scheme-II,
Sriperumbudur,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to refer the matter to the Civil Court for determination of adequate compensation for the acquired lands situated at Palnallur Village (Vadakal A), Yechur Post, Sriperumbudur Taluk, Kancheepuram

District, bearing Survey Nos.138/8C, 135/1A and 128/13D under Section 8 of the Tamil Nadu Acquisition of the Land for Industrial Purposes Act, 1997 (Act 10 of 1999).

For Petitioner : *Ms.Greetha Senthilkumar*
For Respondent(s) : *Mr.M.Elumalai, GA for R1, R3 and R5*

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the respondents to refer the application of the petitioner for enhancement of compensation to the Civil Court for determination of adequate compensation for the acquired lands situated at Palnallur Village (Vadakal A), Yechur Post, Sriperumbudur Taluk, Kancheepuram District, bearing Survey Nos.138/8C, 135/1A and 128/13D under Section 8 of the Tamil Nadu Acquisition of the Land for Industrial Purposes Act, 1997 (Act 10 of 1999).

2. According to the petitioner, his father was the absolute owner of the land in question and the same were acquired by the respondents for the purpose of establishing Industrial Park for SIPCOT, Sriperumbudur Expansion Scheme-II under the Tamil Nadu

Acquisition of the Land for Industrial Purposes Act, 1997. The acquisition proceedings were initiated against the father of the petitioner when he was alive. During his life time, the father of the petitioner had approached the respondents seeking enhanced compensation. But, there was no response. After the demise of his father, the petitioner had approached the respondents for enhanced compensation and to refer the matter under Section 8 of the Act to the civil court for determination of appropriate and adequate compensation for the land acquired by the respondents. The grievance of the petitioner is that his representation for marking reference to the civil court for determination of adequate compensation for the acquired land has not yet been considered by the respondents. Hence, this writ petition.

3. Earlier notice was ordered to the respondents. Today, when the matter was taken up for hearing, the learned Government Advocate submitted that the lands were sought to be acquired for the purpose of establishing an Industrial Park for SIPCOT and the acquisition proceedings were initiated against the father of the petitioner. Subsequently, the father of the petitioner had entered into

an agreement with the respondents under Section 7(2) of the Act and based on the same, compensation amount had already been fixed. Now, after the the death of the father, the petitioner being the some had come forward with the instant writ petition seeking a reference under Section 8 of the Act. As the compensation had already been determined under Section 7(2) of the Act based on the agreement entered into between the respondent and the father of the petitioner, now, it is not open to the petitioner to seek for a reference under 8 of the Act to the civil court for determination of adequate compensation for the land acquired by the respondents. The learned Government Advocate has also produced the entire records relating to the acquisition proceedings wherein the agreement entered into between the father of the petitioner and the respondents is found tagged.

4. I have heard the learned counsel for the petitioner and the learned Government Advocate and also perused the records carefully.

5. This court has gone through the agreement entered into by the father of the petitioner in respect of payment of compensation for

the acquired land with the respondents. Considering the fact that compensation has already been settled as per Section 7(2) of the Act as early as on 09.07.2015 by means of an agreement between the father of the petitioner and the 4th respondent. Until his demise, it was not the case of the original land owner that the agreement was obtained by force or coercion. When that being the position, after the demises of the original land owner, now, it is not open to the legal heirs, to dispute the agreement and to seek enhancement of compensation. Once the compensation amount had been settled under Section 7(2) of the Act, in the absence of any specific plea of fraud or coercion, question of enhancement of compensation would not at all arise. In such circumstances, reference under Section 8 of the Act cannot be made as sought for by the petitioner and the writ petition, which is devoid of merits, is liable only to be dismissed.

6. In the result, the writ petition is dismissed. No costs.

Index : yes / no

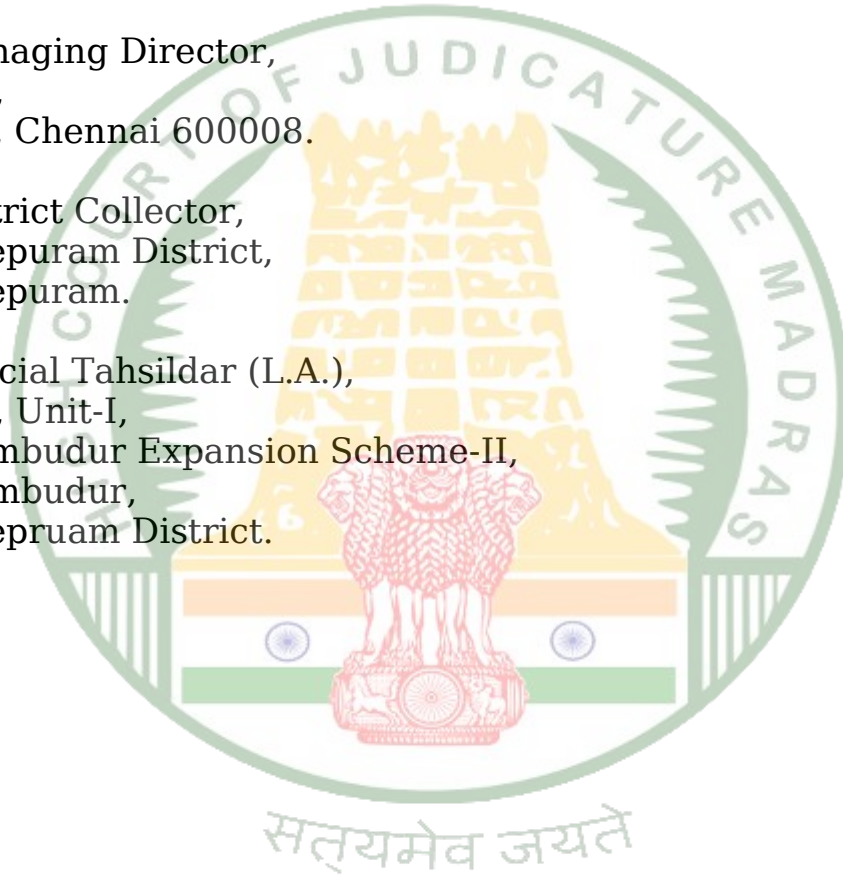
Internet : yes / no

Speaking / Non Speaking Order
kmk

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To

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V.BHARATHIDASAN.J.,

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