

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.1605 of 2019

- 1 M/s.Thiruvarangan Spintex Pvt. Ltd.
Rep by its Director
V.Navaneetha Krishnan,
2/121 Boambay Nagar,
Narasimhanaickanpalayam,
Coimbatore-641031 ... Petitioner
- Vs.
- 1 The Inspector General of Registration,
No.100 santhome High Road, Chennai.
- 2 The Collector,
Collectorate Building, Coimbatore-641 018
- 3 The Special Tahsildar,
Land Acquisition Coimbatore Airport Runway
Expansion Collectorate Building,
Coimbatore-641018
- 4 The District Registrar,
Coimbatore
- 5 The Sub Registrar
O/o.Singanallur Sub Registrar Office
Chindhamanipudur Post
Coimbatore-641 103 ... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to re-fix the revised guide line value of the year 2012 for lands in S.F.241/1A1, 1A2 1A3 and 256/2C1, 2C2, 2C3, Avinashi Road, Chinniampalayam Road Coimbatore by considering the petitioners representation dated 14/05/2018

For Petitioner : Mr.D.R.Arun kumar
For Respondents 2 & 3 : Mr.D.Raja, A.G.P.
For Respondents 1,4&5 : Mr.P.P.Purushothaman, G.A.

O R D E R

With the consent of learned counsel appearing for both side, the writ petition itself has been taken up for final disposal.

2. According to the petitioner, petitioner and his wife have purchased the lands in S.F.No.241/1, 256/2B, 2C in the year 2001 and started textile mill. At the time of purchasing the property, the Government issued G.O.(Ms) No.259, dated 4.10.2010 accepting the proposal to acquire 612.97 acres of land under the Tamil Nadu (Acquisition of Lands for Industrial Purposes) Act, 1997 and to hand over the land to the Airports Authority of India free of cost and all encumbrances. Petitioner received a notice from the District Collector, Coimbatore under Section 3 (2) of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 to appear for hearing for fixing the compensation amount. Petitioner came to know that the compensation amount determined by the authority is Rs.1,30,95,000/-. Immediately, the petitioner made a representation to the District Collector on 27.2.2017 and the meeting was held on 25.2.2016. The representation was also made by the petitioner to the District Collector for awarding compensation under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Subsequently, the petitioner also approached the Tahsildar, Sulur for demarcation and requested to subdivide the boundaries of the land being acquired. The said request also not considered by the authorities. In the meantime, notice has been served by the Indian Overseas Bank called upon the Company to repay all the dues to the bank to the tune of Rs.2,38,29,446.97. The petitioner made request under Right to Information Act on 2.2.2017 addressed to the Collector, Coimbatore and asked the authority to pay compensation to the petitioner company. Petitioner made representation on 14.5.2018 to revised the guideline value issued for determining the value of the land in the year 2012 for the land acquired from the petitioner. According to the petitioner, in the year 2007, guideline value was fixed at Rs.250/- sq.ft. to the petitioner's land and the 5th respondent classified his land as residential special type of land-Class I. Adjacent to the petitioner's land, the respondent revised the guideline value increasing the value approximately between 6.5 to 21 times whereas petitioner's land has been increased 2.5 times. Therefore, there is no basis for the respondent for increasing the revised guideline value for the adjacent land owners. The action of the respondent is arbitrary, discriminatory and violation of Article 14 and 15 of

the Constitution of India. Therefore, the petitioner has filed the present writ petition before this Court for the aforesaid prayer.

2. Counter affidavit has been filed by the third respondent and on behalf of the second respondent, wherein it is stated that the aforesaid land was acquired by the Revenue department under the provisions of the Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997 to the extent of 628 acres of land. Negotiation meetings were conducted with the land owners on 2.4.2018. Many of the land owners agreed to the value fixed in those meetings by accepting Rs.1500/- per sq.ft. for residential land Rs.900/- for agricultural lands. In Block No.17 also, 41 land owners have given their consent. Petitioner has not given consent letter. The rate has been determined and finalised by the authorities on the basis of the guideline value prescribed by the department of registration.

3 The learned Government Advocate appearing for the respondents 1, 4 and 5 denied the contention of the petitioner and submitted that the 4th respondent submitted a report before this Court by stating that the guideline value was revised and implemented from 1.8.2007. After five years, the Government decided to revise the guideline value, based on the prevailing market value. The valuation Sub Committee board was constituted as per G.O.Ms.No.75, CT & R Department, dated 1.6.2010 consisting of following members viz., District Collector, Chairman, District Revenue Officer, Deputy Inspector General of Registration, District Registrars of the concerned Registration district, District Registrar of the Head Quarters of the concerned district, Secretary, Assistant Director of Town Panchayats, Assistant Director of Panchayats, Regional Director of Municipalities and Representatives of localbodies. As per the guideline provided in the above G.O., the draft guideline was prepared by the Valuation sub Committee on the basis of previous sales particulars, development in the location, commercial importance approach to the main road, bus route, nearness to the market, shop, infrastructure, road formation, etc. and the same was published on 8.11.2011 through newspapers also put up on the notice boards of the Collectorate, District Registrar office, Taluk Offices, Village Panchayat office as well as in the concerned Sub Registrar offices for receiving objections from the public and again it was published on 15.12.2011 in the newspapers. After considering the objections received, the guideline value was finally approved on 21.12.2011 by the District Committee headed by the District Collector and came into force with effect from 1.4.2012. The petitioner did not file any objection before the Valuation Sub Committee. The petitioner now seeks to revise the guideline value for his property on par with other lands which were increased

severalfold. Further, it is submitted that the guideline value was revised by the Committee on the basis of spot enquiry regarding market value, previous sales particulars, development of the area, road formation, etc but not based on proportionate or ratio based from existing guideline value as stated by the petitioner. The other lands mentioned by the petitioner for comparison are said to be much developed and mainly located in commercial areas. The petitioner's land located interior from the main road and the guideline value was increased to Rs.700/- sq.ft. from Rs.250/- per sq.ft. Further, it is stated in the report that the guideline value was reduced by 33% from 9.6.2017 and the present guideline value for the petitioner's property is Rs.469/- per sq.ft. Therefore, there is no bonafide on the part of the petitioner's request for revision of guideline value.

4. Considering the said report, the Government constituted a Valuation Sub Committee and the said Committee has published in the newspapers inviting objection on 15.12.2011. Petitioner did not submit any objection to the Committee. The land was acquired for the purpose of expansion of Runway in Airport at Coimbatore. Further, the petitioner has approached this Court after the lapse of more than 4 years to revise the guideline value on par with other lands which have been increased more than 6 times. The petitioner ought to have approached the Sub Committee at the relevant point of time. Without filing any objection before the Sub Committee, the petitioner has filed the present writ petition to revise the guideline value in respect of the petitioner's land. Therefore, there is no arbitrary or discriminatory on the part of the respondents in fixing the revised guideline value and thus, the writ petition deserves to be dismissed.

5. In the facts and circumstances of the case, writ petition is dismissed. No Costs.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-VIII)

//True copy//

WEB COPY
Sub Assistant Registrar

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To

1 The Inspector General of Registration,
No.100 santhome High Road, Chennai.

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O/o.Singanallur Sub Registrar Office
Chindhamanipudur Post, Coimbatore-641 103

+1cc to Mr.D.R.Arunkumar, Advocate SR.No.27034

+2cc to Government Pleader SR.No.26851,26268

W.P.No.1605 of 2019

GMV (22/05/2019)



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