

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2019

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1732 of 2019

Dr.Paul Naveen Pandian

.. Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram - 631 501.

2. The Special Tahsildar (LA) Unit-1
Mannur-Valarpuram Nemili Schme,
SIPCOT, Sriperumpudur

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the compensation for the land acquired in S.Nos.6/1A and 6/1B plot number 638 measuring a total of 4800 square feet situated at No.51, Nemili Village as per the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 in consideration of petitioner's representation dated 28.10.2018.

For Petitioner : Mr.Abdul Saleem
for M/s.AAV Partners

For Respondents : Mr.K.Ravikumar
Additional Government Pleader

ORDER

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition has been filed seeking for a mandamus directing the respondents to pay the compensation for the land acquired in S.Nos.6/1A and 6/1B plot number 638, measuring a total of 4800 sq.ft, situated at No.51, Nemili Village, as per the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, by considering the petitioner's representation dated 28.10.2018.

3. According to the learned counsel for the petitioner, the petitioner, who is the owner of the land measuring an extent

of 4800 sq.ft. bearing plot No.638 comprised in S.Nos.6/1A and 6/1B, situated at No.51, Nemili Village, had purchased from one M/s.Sowbhaya Co-opertive Housing Society Limited vide Sale Deed registered as Doc.No.24097 of 2006 in the Office of the Sub Registrar, Sriperumbudur. From the date of purchase, the petitioner was in peaceful possession and enjoyment of the same. While so, as per the notification issued by the Industries Department in G.O.Ms.No.61, Industries (SIPCOT-LA) dated 20.03.2015 under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, the petitioner's lands were acquired by the State for formation of New SIPCOT Industrial Park, Mannur, Valarpruam Nemeli Scheme. It is stated that no notice was served on the petitioner with regard to the acquisition. It is also stated that even though the acquisition proceedings were over as early as in the year 2015 and possession of petitioner's lands had also been taken, no award has been passed till date. Hence, the petitioner sent a representation to the second respondent on 28.10.2018, seeking for payment of the compensation as per the final award. Though the second respondent had received the said representation on 26.11.2018, till date, the respondents have not considered the request of the petitioner. Hence, the writ petition has been filed.

4. Heard Mr.K.Ravikumar, learned Additional Government Pleader on behalf of the respondents.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the second respondent to conduct an award enquiry and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner as well as any of the interested parties and also affording them an opportunity of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to say that as soon as the award is passed, the compensation amount payable to the petitioner should be paid or deposited, as the case may be, in accordance with law.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Srn

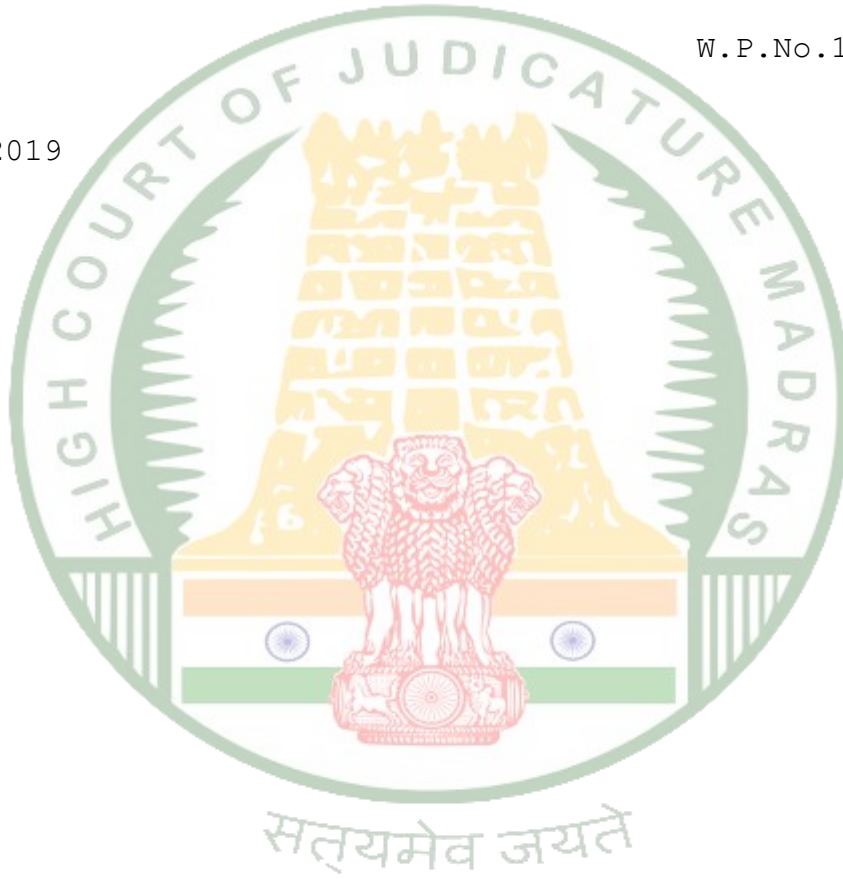
To

1. The District Collector,
Kancheepuram District,
Kancheepuram - 631 501.
2. The Special Tahsildar (LA) Unit-1
Mannur-Valarpuram Nemili Scheme,
SIPCOT, Sriperumpudur

+lcc to M/s.AAV Partners, Advocate, S.R.No.8389
+lcc to the Government Pleader, S.R.No. 8195

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RK(CO)
CS/13/03/2019



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