

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2019

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.6263 of 2019

Vattam Jagadish

...Petitioner

Versus

1.The State of Tamil Nadu
Represented by the Secretary to Government
Industries Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Kanchipuram District,
Kanchipuram.

3.Special Tahsildar (LA),
SIPCOT, Unit 2,
Oragadam Expansion Scheme - 2,
Sriperumbudur - 602 105.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 22.10.2018.

For Petitioner : Mr.K.Balasubramaniam

For Respondents : Mr.V.Anandhamoorthy,
Additional Government Pleader

O R D E R

The relief sought for in this Writ Petition is to direct the second respondent to consider the representation of the petitioner dated 22.10.2018.

2. The second respondent/District Collector, vide RC No.5/2009, dated 10.12.2009, had issued a Form-A notice under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as 'Act') stating that the petitioner's land is required for the expansion of Oragadam SIPCOT Industrial Development Scheme 2 and sought

for petitioner's objections, if any, within thirty days. Pursuant to the above Notice, the petitioner visited the Office of the third respondent/Special Tahsildar on 24.02.2010 and given a letter dated 04.03.2010 expressing his no objection for acquiring his land.

3. In the meanwhile, the first respondent had issued a Notification under Section 3(1) of the Act, 1999 in G.O.Ms.No.112, Industries (SIPCOT-LA) dated 04.06.2012 to the petitioner indicating that his property was acquired. Thereafter, the second respondent/District Collector issued an order in Form-E Notice dated 10.02.2014 under Sub-Section (2) of Section 4 of the Act directing the petitioner to deliver the possession of his land in Survey No.59/2, measuring an extent of 0.36.5 Hectare to the third respondent/Special Tahsildar herein within thirty days of service of the order. In response to the order of second respondent/District Collector dated 10.02.2014, the petitioner submitted the photocopies of the original documents pertaining to his property to the third respondent.

4. Even after, the petitioner submitting the property documents before third respondent/Special Tahsildar, there was no response from the third respondent. Therefore, on 01.11.2014, the petitioner sent a representation to the third respondent/Special Tahsildar to inform him about the status of the land acquisition process for which the third respondent/Special Tahsildar vide Letter dated 17.11.2014 informed the petitioner that the acquisition of land has already been completed and work is in process, thereafter, the second respondent had issued a notice to the petitioner stating that a meeting has been convened on 18.08.2016 at 11:00 a.m at Vanniyar Chathiram, Sriperumpudhur to discuss about the fixation of land value for the acquired lands. The petitioner had also attended the said meeting and the second respondent/District Collector promised the petitioner to expedite the process and the compensation amount would be given within three months. But so far no award has been passed nor compensation amount has given to the petitioner. Therefore, on 22.10.2018, the petitioner once again made another representation before the second respondent.

5. In response to the petitioner's representation dated 22.10.2018, the third respondent/Special Tahsildar herein vide Rc.No.5/2009/Unit-2/Org-Exp-Schm on 01.11.2018 gave a reply, by stating that his land in S.No.59/2 notified under Section 3(1) of the Act, 1997 for industrial purpose by SIPCOT and fixation of land value are under process, despite several representations, there was no response from the side of the respondents. Hence, the petitioner is constrained to file this writ petition.

6. On 18.03.2019, this Court had directed the third respondent/Special Tahsildar to appear before this Court on 01.04.2019 (i.e., today) and produce the relevant records and remarks with regard to the land acquisition process and the matter was directed to be listed on 01.04.2019. Accordingly, the matter is listed today.

7. The learned Additional Government Pleader appearing for the respondents submitted that the third respondent/Special Tahsildar is unable to appear before this Court as he is engaged in election duty as a flying squad, and therefore, his presence may be dispensed with. However, the learned Additional Government Pleader received instructions from the third respondent. Based on his instructions, the learned Additional Government Pleader submitted that the second respondent/District Collector has submitted a proposal on 04.09.2018 for approval to the fixation of land value and payment of compensation to the land owners. The aforesaid proposal has been accepted and has been sanctioned by the Government in ROC.No.S2/20274/2018 dated 02.11.2018 issued by the Additional Chief Secretary & Commissioner of Land Administration, Chepauk, Chennai - 600 005. The copy of such sanction has been received by the District Collector and therefore, the petitioner's grievance will be considered by the second respondent/District Collector within the time stipulated by this Court.

8. In view of the submission made by the learned Government Pleader for respondents coupled with the fact that the petitioner's land was acquired by the respondent/Department on 04.06.2012. But so far no compensation amount was paid to him. The petitioner was driven from pillar to post for getting the compensation and taking into consideration of the sanction/approval given by the first respondent/Government, the second respondent/District Collector is directed to conduct and complete the enquiry within a period of two months from the date of receipt of a copy of this order and shall pass the final award within one month thereafter.

9. This Writ Petition is disposed of with the above direction. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(AD-IV)

//True copy//

Sub Assistant Registrar

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To

1.The Secretary to Government
Industries Department,
Fort St.George,
Chennai - 600 009.

2.ThDistrict Collector,
Kanchipuram District,
Kanchipuram.

3.The Special Tahsildar (LA),
SIPCOT, Unit 2,
Oragadam Expansion Scheme - 2,
Sriperumbudur - 602 105.

+1cc to Mr.K.Balasubramaniam, Advocate SR.No.30849

+1cc to Government Pleader SR.No.31946

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VGI(CO)
GMY(31/05/2019)



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