

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.8138 of 2019

Mrs.G.Kumudha

... Petitioner

Vs.

The Special Tahsildhar, (Land Acquisition),
SIPCOT - Unit VI,
Sriperumbudur Extension Scheme - II,
Sriperumbudur (Taluk),
Kancheepuram District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF MANDAMUS, directing the respondent to refer the dispute to the District Collector, Kancheepuram District for determination of higher compensation in respect of the petitioner's property, being vacant house plot, bearing Nos.5, 12, 21 & 28, comprised in Survey Nos.307/1, 307/9, 307/8 of Vallakottai Village, Sriperumbudur Taluk, Kancheepuram District, totally measuring an extent of 14,400 sq. feet as contemplated under Section 7(3) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

For Petitioner : Mr.R.Munuswamy

For Respondent : Mr.M.Elumalai,
Government Advocate

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O R D E R

The petitioner has filed the Writ Petition praying to issue a Writ of Mandamus, directing the respondent to refer the dispute to the District Collector, Kancheepuram District, for determination of higher compensation in respect of the petitioner's property, which is a vacant house plot, bearing Nos.5, 12, 21 & 28, comprised in Survey Nos.307/1, 307/9, 307/8 of Vallakottai Village,

Sriperumbudur Taluk, Kancheepuram District, totally measuring an extent of 14,400 sq. feet as contemplated under Section 7(3) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

2.The learned counsel for the petitioner submitted that the property in dispute was acquired by the Government in G.O.Ms.No.164, industries (SIPCOT-LA) Department, dated 07.12.2012. The petitioner made a representation, claiming ownership over the property. Since there was no communication received from the respondent, the petitioner had filed a Writ Petition before this Court in W.P.No.30782 of 2013. By order dated 11.09.2018, this Court had directed the petitioner to appear before the respondent on 10.10.2018 and produce relevant documents seeking for compensation and the respondent was directed to conduct an enquiry for the purpose of award of compensation in respect of the petitioner's land and pass orders within a period of four weeks from the date of enquiry.

3.The petitioner received summons for the enquiry on 06.12.2018, thereby the respondent called upon the petitioner to appear for the enquiry on 20.12.2018. The petitioner could not appear before the respondent on 20.12.2018, as he was not well, however, the petitioner's husband appeared in person and submitted all the documents, along with a representation to the respondent, wherein, the petitioner had requested for higher rate of compensation at the rate of Rs.500/- per square feet as against the proposal of Rs.150/- per square feet. The respondent, not agreeable to pay the higher compensation, insisted upon the petitioner to receive the compensation as determined by the respondent at Rs.150/- per square feet. Thereafter, the petitioner was insisting his claim, but, there was no response and hence, a representation was made on 28.01.2019. Again, the petitioner was called for an enquiry on 05.03.2019 and demanded for higher compensation and the same was refused by the respondent. Therefore, she has filed the present Writ Petition before this Court.

4.The learned Government Advocate appearing for the respondent submitted that the respondent has granted an opportunity to the petitioner's husband to appear before the respondent on 28.01.2019, to receive the compensation at the rate of Rs.150/- per square feet. The petitioner along with her husband appeared before the respondent on 28.01.2019 and gave a representation requesting to allot a portion of the land to start an industry for her son and also to raise the compensation as Rs.500/- per square feet. The petitioner was informed to approach the SIPCOT authorities for obtaining the portion of land as required by them. With regard to the higher compensation, they were

informed that they are at liberty to claim the aforesaid higher compensation either after obtaining orders from the Government or through the Court after receiving the compensation of Rs.150/- per square feet as already determined by the authorities under Section 8 of the Land Acquisition Act. Again, the respondent sent a notice to the petitioner to appear before the respondent on 05.03.2019 for getting compensation. The petitioner's husband, who appeared on 05.03.2019, has refused to receive the compensation and also refused to give any statement regarding claiming of higher compensation. Hence, an order has been passed by the respondent on 22.03.2019, duly narrating the aforesaid facts and informing the petitioner that the land value proposals would be sent to the Government under RECTLARR Act 20136, and that, after getting approval from the Government, action will be taken by the respondent for payment of compensation to the petitioner.

5.The learned Government Advocate further submitted that the petitioner had already made an objection seeking for higher compensation. On receipt of orders from the Government, the compensation amount will be fixed by the authority and the same will be disbursed to the petitioner. Further, under Section 7(3) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, the District Collector is the competent authority for determining the higher compensation.

6.The learned Government Advocate pointed out that the said proceedings have not reached the award stage and only at the enquiry stage. He further submitted that, after receiving orders from the Government, the same would be referred to the District Collector for determination of compensation for the aforesaid property of the petitioner.

7.From the aforesaid submissions, it is apparent that the writ petitioner has approached this Court at the premature stage, as rightly pointed out by the learned Government Advocate. It is only after receipt of sanction orders from the Government, the request of the petitioner seeking for higher compensation will be referred to the District Collector for determination of the compensation amount. Hence, at this stage, the writ petition is dismissed as not maintainable.

8.Accordingly, the writ petition is dismissed as not maintainable, however, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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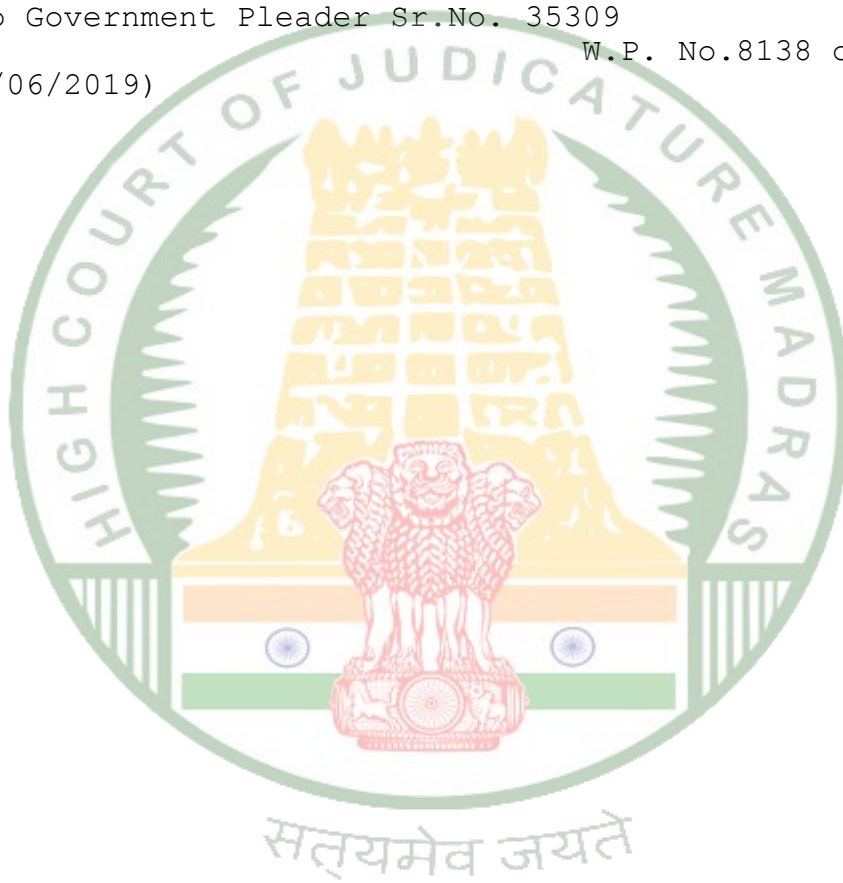
The Special Tahsildhar, (Land Acquisition),
SIPCOT - Unit VI,
Sriperumbudur Extension Scheme - II,
Sriperumbudur (Taluk),
Kancheepuram Distirct.

+1cc to Mr. R.Munuswamy, Advocate SR.No. 35448

+1 cc to Government Pleader Sr.No. 35309

W.P. No.8138 of 2019

A.SK(24/06/2019)



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