

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.15297 of 2019

Mr.G.Kuppan

...Petitioner

Versus

1. The Principal Secretary to
Government of Tamilnadu Industries Dept.,
Secretariat, Fort St. George,
Chennai-600 009.
 2. The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai 600 008.
 3. The Special Tahsildhar,
(Land Acquisition) SIPCOT Unit,
Sriperumbudur Taluk,
Kanchipuram District.
- ...Respondents

PRAYER:Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd Respondent to deposit the ordered enhanced compensation of Rs.4,000/- per cent to the petitioner based on his representation dated 03.04.2018 within a reasonable time period as fixed by this Court.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.M.Elumalai,
Government Advocate for RR1 and 3
Mrs.Sudharsana Sundar for R2

O R D E R

The petitioner is the absolute owner of the house site plots measuring to a total extent of 8 Hectares and 9 Ares or nearly 20 Acres, comprised in various survey Nos.373/1A1A1, 374/2A1A, 374/3A1A, 374/4A1, 374/6A, 391/5A1A, 386/2A1A1, 387/1A1A1, 387/13, 387/15, 388/1A1A, 389/1A1A, 389/11A1, 389/9A1, 389/2B, 390/1A1A1, 390/2A1A, 390/3A1A and 390/4A1A situated at

Santhavelur Village, Sriperumbudur Taluk, Kancheepuram District. The aforesaid lands were acquired by the SIPCOT and the land acquisition officers initially awarded a less compensation as Rs.350/- per cent or Rs.864.50 per are, with 30% solatium and 12% interest through an award Nos.7/2000 dated 15.03.2000, 9/2001 dated 03.08.2001, 10/2001 dated 03.10.2001 and 3/2002 dated 17.04.2002. Aggrieved by the said award, the petitioner has preferred LAOP.Nos.572/2003, 576/2003, 577/2003 and 584/2003 before the learned Additional District Judge, Chengalpet, wherein the learned Judge by judgment dated 31.03.2006 has awarded Rs.4000/- per cent together with other usual benefits. Aggrieved by the said judgment and decree, the 3rd respondent preferred an appeal before this Court under Section 54 of Land Acquisition Act in A.S.Nos.80 to 104 of 2008 and the petitioner's appeal A.S.Nos.85, 86, 87 and 88 of 2008 were taken up along with other appeals by the Division Bench of this Court and passed a common judgment dated 08.12.2009, partly allowing the appeals and reduced the enhancement from Rs.4,000/- to Rs.3,100/- per cent on account of variation in development charges, which were hiked from 40% to 53% in favour of the SIPCOT. Aggrieved by the said judgment, one of the respondent therein viz., Sanath Kumar preferred Special Leave Petition in Civil Appeal Nos.7852-7853 of 2011 arising out of S.L.P(C). Nos.24832-24833 of 2010 before the Hon'ble Supreme Court, India, wherein by an order dated 31.03.2006 had restored the order dated 31.03.2006 passed by the learned Additional District Judge, Chengalpet. Immediately thereafter, the petitioner made a representation dated 27.01.2016 to the second and third respondents to enhance Rs.4,000/- per cent as awarded by the learned Additional District Judge, Chengalpet, in the above case and the same was not considered by the respondents. Thereafter, the petitioner approached this Court by way of Writ Petition in W.P.No.4589 of 2016 and this Court by an order dated 08.02.2016 directed the 3rd respondent herein to consider the petitioner's representation and pass orders. However, the said order was not complied by the 3rd respondent. In the meanwhile, the 3rd respondent issued a letter dated Nil.06.2016 to file necessary documents relating to the judgment of the Hon'ble Apex Court. The petitioner appeared before the 3rd respondent and filed all the documents as required. Thereafter, the 3rd respondent rejected the petitioner's representation by proceedings dated 19.07.2016, against which the petitioner preferred W.P.No.35422 of 2016 before this Court and this Court by an order dated 18.04.2017 allowed the writ petition and confirmed the compensation awarded by the Apex Court and directed the petitioner to file an Execution Petition before the Reference Court seeking compensation as awarded by it. Thereafter, again the petitioner has made representations to the 2nd respondent to enhance the compensation. Since no orders have been passed, the petitioner has filed the present writ petition.

2.Heard both sides.

3.Mrs.Sudharsana Sundar, learned counsel appearing for the second respondent would submit that though the Apex Court has set aside the order of this Court in A.S.Nos.80 to 104 of 2008, however, this Court by an order dated 18.04.2017 in W.P.No.35422 of 2016 confirmed the compensation awarded by the Apex Court and directed the petitioner to file an Execution Petition before the Reference Court. Accordingly, the petitioner has to approach the trial court by filing execution petition. If Execution petition is filed, it would enable the respondents to file a calculation memo calculating the compensation awarded in favour of the petitioner.

4.The learned counsel for the second respondent fairly submitted that the second respondent is ready to file a calculation memo calculating the compensation amount in favour of the petitioner within a period of 12 weeks from today before the L.A.O.P. Court viz., Additional District Judge, Chengalpet.

5.In view of the above submission, I am inclined to issue direction to the second respondent viz., The Managing Director, SIPCOT, Egmore, Chennai 600 008, to deposit the compensation amount as awarded and confirmed by the Hon'ble Apex Court to the petitioner before the L.A.O.P.Court i.e.,Additional District Judge, Chengalpet, within a period of twelve weeks from the date of this order. Thereafter, the petitioner is permitted to file appropriate petition for withdrawal of the enhanced compensation amount.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

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Sub Assistant Registrar

To

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2. The Managing Director,
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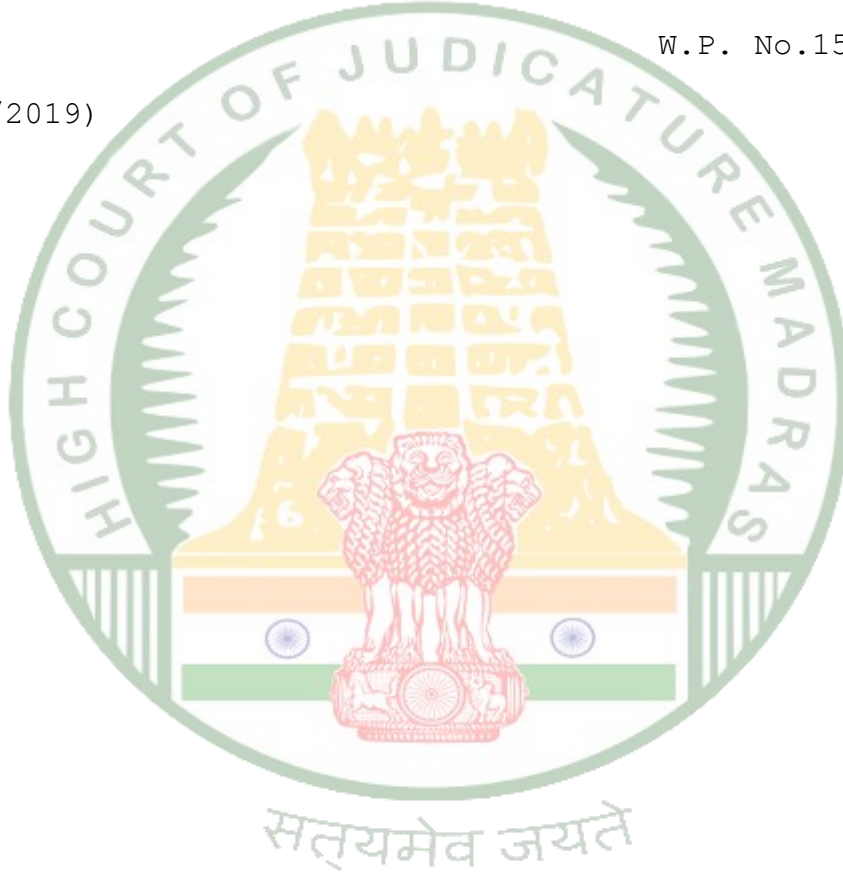
4. The Additioinal District Judge,
Chengalpattu.

+1 cc to M/s.Sudharshana Sundar, Advocate, S.R.No.45938

+5 ccs to Mr.R.Narayanan, Advocate, S.R.No.45726

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BR(CO)
SSM(26/06/2019)



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