



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.08.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.18096 of 2019
& W.M.P.No.17470 of 2019

Mr.S.Subburajan,
S/o.Sivam,
No.42/8, 4th Street,
Padi Pudu Nagar,
Chennai - 600 101.

... Petitioner

/verus/

1. The Principal Secretary/The Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.
2. The Special Collector, (Land Acquisition),
SIPCOT, Panappakkam,
Industrial Park Scheme,
No.19/9, Dharmaraja Koil Street,
Suvaalpettai, Arakonam,
Vellore District, Tamil Nadu - 631 001.
3. The Secretary to Government,
Revenue Department,
Secretariat, Fort. St.George,
Chennai - 600 009.
4. The District Collector,
Vellore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, against the respondents pertaining to the proposed land which has a proposal to acquire for Industrial Park Scheme, Nedumpuli Village, Arakonam Taluk, Vellore District and direct the respondents to consider the representation letter dated 27.12.2018 sent by the Petitioner to the 1st and 3rd respondent and fix the guideline value under Section 7(11) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and settled the amount within a stipulated time to the petitioner and pass orders.

For Petitioner : Mrs.Sumathi Lokesh

For Respondents: Mr.D.Raja,
Additional Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

2. The petitioner herein is the owner of the land in the following Survey numbers:-

Sl.No.	Date	Sale Deed Nos.	Survey Nos.	Total Extent	
				Hectare	Cents
1.	01.03.2013	1485/2013	361/1 & 324/2	2	52
2.	01.03.2013	1511/2013	360/3A		67
3.	01.03.2013	1512/2013	367/1	2	16
4.	07.03.2013	1676/2013	367/3F, 367/3K, 367/3E, 367/3G, 367/3B, 367/3J, 367/3M, 367/3C, 367/3H, 367/3L, 367/3A, 367/3O, 367/3D, 367/3I, 367/3N,	2	52
5.	07.03.2013	1678/2013	367/2B, 367/2A, 367/2C, 367/2D1, 367/2D2, 367/2D3, 367/2D4,	3	54
			Total	12	94

3. After purchase of land, the petitioner has promoted the land as Housing plots. Meanwhile, the 2nd respondent/Special Collector, (Land Acquisition), has proceeded to acquire the land for Industrial Purpose to establish SIPCOT Industrial Park Scheme, Nedumulai, Village, Arakonam Taluk. The request of the petitioner, to approve the lay out was rejected in view of the Land Acquisition proceedings. Having reconciled to the fact that the land has been acquired for a public purpose namely to promote the Industrial Park Scheme, the petitioner expecting fair compensation for the land, has made representation on 27.12.2018 to the 1st respondent/Principal Secretary/the Chairman and Managing Director. In response to his representation the 1st respondent has directed the 2nd respondent/Special Tashildar (Land Acquisition), to furnish the details to the petitioner directly. So far, there is no reply from the 2nd respondent. The petitioner now been deprived of his property and prevented from promoting the land for commercial purpose. So the respondents

are atleast bound to pay the compensation as per the Section 7 (11) of the Tamil Nadu Land Acquisition for Industrial Purpose Act, 1997 and settle the amount. Having failed to do so, the present Writ Petition is filed seeking Mandamus to consider the representation of the petitioner, dated 27.12.2018 to fix the fair compensation, as per law and disburse the same.

4. The Learned Additional Government Pleader appearing for the respondents would submit that the process of fixing fair rent is in advance stage, pending with the Government. He further states that while the proposal of the respondents, dated 14.06.2019, to pay compensation is pending before the Government, the Hon'ble Division Bench of this Court has struck down the validity of all the Acquisitions made under the Tamil Nadu Land Acquisition for Industrial Purpose Act, 1997 subsequent to the enactment of Land Acquisition Rehabilitation (Central Act) 2013 wherever possession of the land not taken. In view of the said subsequent development, the State is yet to take decision, whether to withdraw the Acquisition or to pay compensation to the petitioner and take the land.

5. Since the petitioner is unable to either sell the property or get the compensation for the past six years, it is necessary to direct the respondents herein to take a firm decision on the representation of the petitioner and pass appropriate orders, within a period of 12 weeks, from the date of receipt of a copy of this Order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, Connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

bsm

To

1. The Principal Secretary/The Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.
2. The Special Collector, (Land Acquisition),
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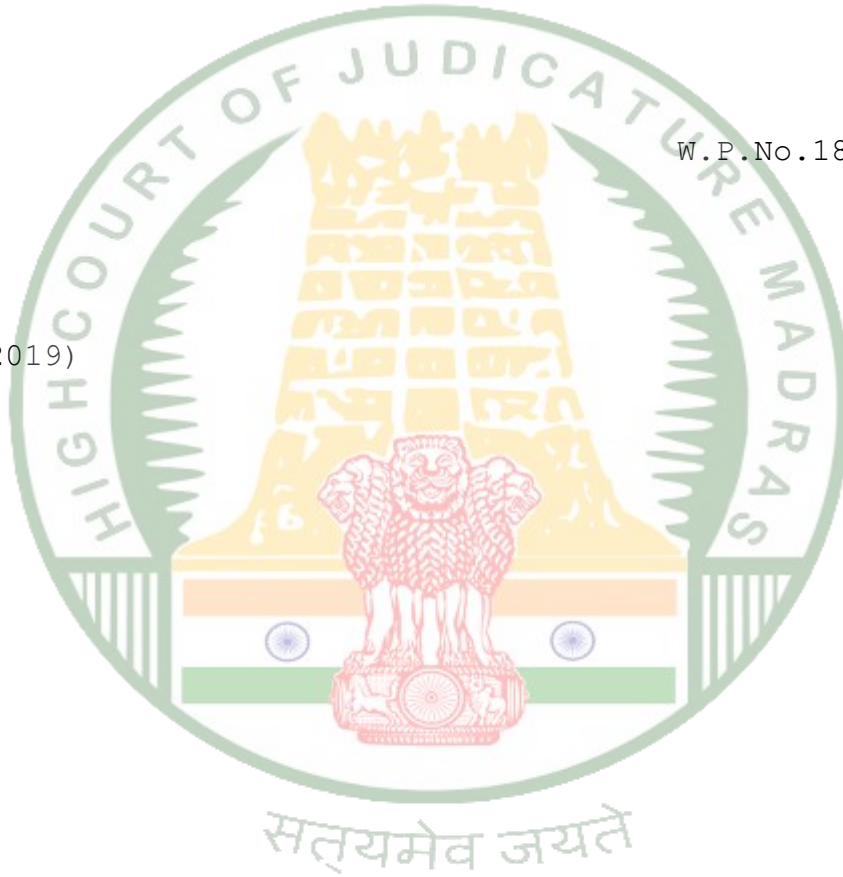
4. The District Collector,
Vellore.

+1 CC to Mr. Sumathi Lokesh, Advocate sr 69474.

+1 CC to Govt. Pleader sr 69721.

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SVI (CO)
SP(17/09/2019)



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