

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.16108 of 2014

and

M.P.No.1 of 2014

K.Rameshkumar Reddy

Vs

..Petitioner

1.The Principal Secretary to the
Government, Industries Department,
Secretariat, Chennai-600 009

2.The Chairman cum Managing Director
SIPCOT Ltd.,
No.19/A, Rukmani Lakshmipathy Road
Egmore, Chennai-600 008

3.The Special Tahsildar
Land ACquisition
SIPCOT, Unit -II
Sriperumbudur Extension Scheme
Sriperumbudur-602 102

..Respondents

Prayer:- This Writ Petition is filed, under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to fix the compensation according to the amended provisions of Land Acquisition Act or return back the agricultural property of the petitioner to an extent of 0.27 cents (0.11.0 Hectares) comprised in Survey No.167/98167/12 to an extent of 0.31 cents (0.12.5 Hectare) situated at Old No.174, New No.121, Vadakal "B" Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Ms.R.Aparna

For Respondents : Mrs.S.Sudharshana Sunder
for SIPCOT R2

Mr.M.Elumalai, Government
Advocate
for R1 and R3.

ORDER

This Writ Petition is filed praying to direct the respondents to fix the compensation according to the amended provisions of Land Acquisition Act or return back the agricultural property of the petitioner to an extent of 0.27 cents (0.11.0 Hectares) comprised in Survey No.167/9 & 167/12 to an extent of 0.31 cents (0.12.5 Hectare) situated at Old No.174, New No.121, Vadakal "B" Village, Sriperumbudur Taluk, Kancheepuram District.

2. It is averred in the Writ Petition that the Petitioner was in possession and enjoyment of the above stated lands pursuant to the registered sale deed dated 19.12.2007 vide Document No.24643/2007. While so, the 3rd respondent issued notice dated 09.04.2010 for acquiring the above mentioned property towards extension of industrialization facilities by the SIPCOT.

3. The Petitioner was called to attend the meeting called for by the 3rd respondent on 29.08.2012 with all relevant documents. The 3rd respondent sent a communication in the month of March 2014 to the Petitioner stating he had been contacted over the phone asking to receive the compensation as agreed between them, which according to the Petitioner, is not at all authentic information.

4. It is further averred in the Writ Petition that the land is not utilized for any industrial activities as claimed by 2nd and 3rd respondents, therefore, the same may be returned back to the Petitioner. The Petitioner also issued a legal notice dated 15.05.2014 to the respondents for fixing the compensation.

5. Since, there is no proper reply to the above request of the petitioner, the present Writ Petition is filed.

6. Learned counsel appearing for the SIPCOT-2nd respondent, produced records and on instructions submitted that the petitioner entered into agreement under Form 'E' notice and consent to receive compensation under Section 7(2) of Industrial Purpose Act has been signed on 08.07.2013 and the compensation amount fixed under the above said section is Rs.29.00 lakhs per acre. The Award was passed in Award No.6/2013, dated 14.12.2013.

7. The learned Government Advocate appearing for the 3rd respondent further submits that as per the agreement entered into and as per the Award, the 3rd respondent was ready with the cheque to pay the compensation amount to the Petitioner. But the petitioner has not chosen to receive the cheque amount.

Thereafter, notice also sent to the Petitioner. Despite that, the petitioner has refused to receive the said amount. It is further contended by the learned Government Advocate that the petitioner has not raised any ground to countenance the terms of the agreement entered into between the Parties, but for the sole argument that the respondents had forcibly taken his signature in the agreement.

8. I have heard the submissions made on either side and perused the materials available on record. As rightly pointed out by the learned counsel for the 2nd and 3rd respondents, even though the learned counsel for the Petitioner put forth her submission that the respondents had forcibly took the signature of the Petitioner in the agreement and acquired the lands, in the affidavit filed in support of the Writ Petition, no such averment is found place.

9. On a perusal of the entire records produced before this court, it is seen that in the name of K.Ramesh Kumar Reddy, the Petitioner herein, the Special Tahsildar (LA), SIPCOT-Sriperumbudur expansion Scheme-II, Unit 3 - 121, Vadagal B Village, passed Award No.6 with regard to Block No.V and the respective Agreement/consent executed under Section 7(2)3 of the Act. The cheque for the compensation amount is dated 07.03.2014.

10. Admittedly, the Petitioner has not received cheque amount from the 3rd respondent in pursuant to the agreement entered into on 08.07.2013, for which the petitioner has not raised any objection before the authority. In such circumstances, now the contention of the Petitioner that his signature has been forcibly obtained in the consent form, cannot be accepted in the absence of any specific averment made in the affidavit filed in support of this writ petition.

11. In view of the above discussion, this court does not find any force in the argument advanced by the learned counsel for the Petitioner and accordingly this court is not inclined to grant any relief as prayed for by the Petitioner. Accordingly, this Writ Petition is dismissed. It is open to the Petitioner to approach the authority concerned to receive the cheque amount towards compensation of the acquired lands. No costs. Consequently, connected Miscellaneous Petition is closed.
nvsri

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to the
Government, Industries Department,
Secretariat, Chennai-600 009

2.The Chairman cum Managing Director
SIPCOT Ltd.,
No.19/A, Rukmani Lakshmipathy Road
Egmore, Chennai-600 008

3.The Special Tahsildar
Land ACquisition
SIPCOT, Unit -II
Sriperumbudur Extension Scheme
Sriperumbudur-602 102

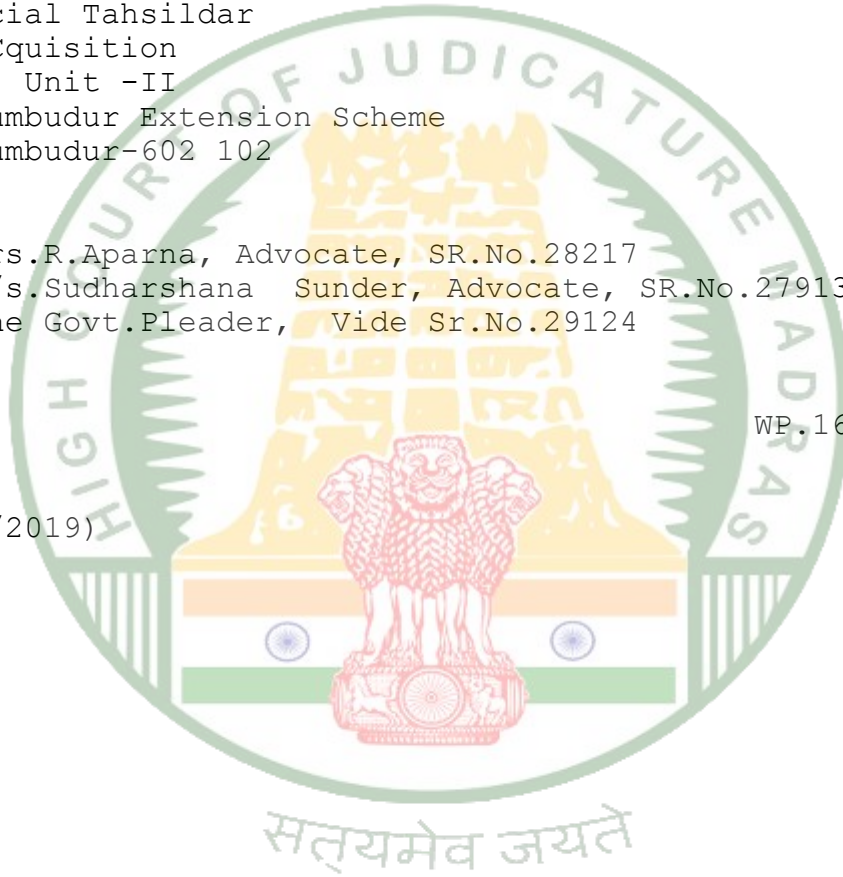
+1cc to Mrs.R.Aparna, Advocate, SR.No.28217

+1cc to M/s.Sudharshana Sunder, Advocate, SR.No.27913

+1cc to the Govt.Pleader, Vide Sr.No.29124

WP.16108 of 2014

Kak (02/07/2019)



WEB COPY