



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.10.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.23239 of 2019

Mr.Ejaz Ahmed,
S/o.Md.Azimuddin Sahib,
No.7, Ishakh Nagar,
Pattur, Mangadu,
Chennai - 600 122. Petitioner

/versus/

1. The Secretary to Government,
Government of Tamil Nadu,
Industries (SIPCOT-LA) Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District.
3. The Special Tahsildar (Land Acquisition)/
District Revenue Officer,
Siruseri Information Technology Park Scheme,
Pillaipakkam Village,
Sriperumpudhur,
Kancheepuram District.
4. The Managing Director,
State Industrial Promotion Corporation Ltd.,
19-A, Rukmani Lakshmipathi Road,
Egmore,
Chennai - 600 008. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents herein to pass an order of disbursement of the determined compensation amount or award with interest from the date of possession of land taken from the petitioner in respect of land measuring an extent of 4800 sq.ft which being the plot Nos.136 and 137 of Samad Nagar and comprised in Survey Nos.232/1B and 232/2A of No.38, Sirucherri Village, Chingleput Taluk, Kancheepuram District which acquired under the Tamil Nadu Land Acquisitions for Industrial Purposes

Act, 1977 for setting-up Information Technology Park at Siruseri, Chennai, by disposing the petitioner's representation dated 23.03.2019 made to the 3rd respondent herein or passing any other order.

For Petitioner : Mr.Manoharan Sundaram

For R1 to R3 : 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 had purchased house site to an extent of 4800 sq.ft comprised in S.Nos.232/1B and 232/2A of No.38, Sirucher Village, Chingelput Taluk, Kancheepuram District, on 18.09.1979. The said land has been acquired in the year 2004 under Tamil Nadu Land Acquisition for Industrial Purposes Act, 1977 by the 1st respondent for creating an IT Park.

3. The case of the petitioner is that, in respect of acquisition, he has not paid the compensation in respect of several representation to the 3rd respondent herein. Hence, the present Writ Petition is filed to issue Writ of Mandamus directing the respondents to disburse the determined compensation amount with interest, based on the representation given by the petitioner on 23.03.2019.

4. The respondents 1 to 3 has filed counter, wherein, they were traced the purpose of acquisition and procedure adopted by them before acquisition. As far as the claim of the petitioner is concerned, it is stated that the petitioner has purchased the property from the promoters of Sri Dhanalakshmi Real Estate, Chennai. The Revenue records not been mutated subsequent to plotting out of the land and alienating into several persons, including the petitioner. The award notice was caused to Tmt.S.Fathima Jan, in whose name the property stood as per revenue record. She did not turn up for enquiry. Hence, the compensation amount could not be paid. If the petitioner can produce documents and prove her ownership, the compensation will be paid, only in view of non claim, the amount has now being deposited in the Revenue account of the 2nd respondent.

5. In the light of the above fact, the Writ Petition is disposed, directing the petitioner herein to submit fresh representation with all relevant documents to the 3rd respondent/Special Tahsildar (Land Acquisition)/District Revenue Officer, Kancheepuram District, within a period of 15 days, on

receipt of the representation, the 3rd respondent shall cause enquiry to verify the title and pass appropriate order, in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CJ Conf)

//True copy//

Sub Assistant Registrar

bsm

To,

1. The Secretary to Government,
Government of Tamil Nadu,
Industries (SIPCOT-LA) Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District.
3. The Special Tahsildar (Land Acquisition) /
District Revenue Officer,
Siruseri Information Technology Park Scheme,
Pillaiappakkam Village,
Sriperumpudhur,
Kancheepuram District.
4. The Managing Director,
State Industrial Promotion Corporation Ltd.,
19-A, Rukmani Lakshmipathi Road,
Egmore,
Chennai - 600 008.

+1cc to Mr. Manoharan Sundaram, Advocate SR.No.84066

+1cc to Government Pleader SR.No.84523

W.P.No.23239 of 2019

PVS (CO)
GMY (01/11/2019)