

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.09.2019

Coram:

THE HONORABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.28554 of 2019

and

W.M.P.No.28311 of 2019

M.L.Krishnamoorthy ... Petitioner

/versus/

1.Government of Tamil Nadu,
Rep.by the Secretary,
Ministry of Industry,
Secretariat, Chennai 600 009.

2.The District Collector,
Kanchipuram District,
Kanchipuram.

3.The Commissioner,
Land Administration,
Chepauk, Chennai 600 005.

4.The Managing Director,
SIPCOT, Egmore,
Chennai 600 008.

5.Special Tahsildar(LA),
SIPCOT, Unit-2,
Sriperumbudur Expansion Scheme-2,
Sriperumbudur.

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1, 2 and 4 to pay compensation for the extent of 332 sq.ft interest and other statutory payments on the compensation amount pertaining to Award No.4 of 2013 passed by the 5th respondent.

For Petitioner :Mr.S.Subramanian
For Respondents :Mr.D.Raja, AGP

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.R.Subramanian, learned counsel appearing for the petitioner and Mr.D.Raja, learned Additional Government Pleader who takes notice for respondents.

3. The prayer in the writ petition is to issue a Writ of Mandamus directing respondents 1, 2 and 4 to pay compensation for the extent of 332 sq.ft interest and other statutory payments on the compensation amount pertaining to Award No.4 of 2013 passed by the 5th respondent.

4. The petitioner herein has filed this Writ petition on the premises that as per the title deed, he has purchased totally 4122 sq.ft of land under S.No.59/1/A3 and 59/1. Whereas the respondents have acquired the land for industrial purpose and have paid compensation only for 3793 sq.ft. Hence, he seeks compensation for the balance 332 sq.ft with interest.

5. from the records, this Court finds that the respondents have acquired only 3793 sq.ft of land and not 4122 sq.ft as claimed by the petitioner. The same is made clear in the proceedings of the Special Tahsildar, vide his communication dated 19.11.2018. If the petitioner, infact has any land more and above what acquired, it is for him to have possession of it and enjoy. For that purpose, he should first seek for measurement of the land as per the title deed or even before purchasing the property, he should have measured the land.

6. In such circumstances, seeking compensation for the land, which has not been acquired by the respondents is untenable. However, it is open to the petitioner herein to approach the concerned authority to measure the field and ascertain whether he has anything more in the said survey number left after acquisition.

7. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

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Sriperumbudur.

+1cc to Mr.R.Subramanian , Advocate SR.No. 83851

+1 cc to Government Pleader Sr.No. 83998

W.P.No.28554 of 2019

A.SK(22/10/2019)

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