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In the High Court of Judicature at Madras

Dated : 02.12.2019

Coram :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.33464 of 2019 & WMP.No.33934 of 2019

D.Kulasekaran

...Petitioner

Vs

1.The Managing Director, State
Industries Promotion Corporation of
Tamil Nadu Ltd., SIPCOT, No.18-A,
Rukumani Lakshmpathi St, Chennai-8.

2.The District Collector
Collectorate, Villupuram District

3.The Deputy Collector, SIPCOT,
Jaggampettai & Post, Tindivanam,
Taluk, Villupuram District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the material documents which are annexed in the typed set including the representation dated 13.11.2019 given by the petitioner and direct the respondent to pay the compensation as Rs.67/- per sq.ft which was fixed by the committee against S.No.13/C spread over 1 Hectare 61 Ares situated at Pelakuppam Village No.37, Tindivanam Taluk, Villupuram District as contemplated by the Tamil Nadu Stamp (Constitution of Valuation Committee for Estimation, Publication and Revision of Market Value Guidelines of Properties) Rules 2010 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013.

For Petitioner : Mr.P.Vijendran

For Respondent-1 : Mrs.Sudharshana Sundar

For Respondents 2 & 3: Mr.M.Elumalai, GA



ORDER

Mrs.Sudharshana Sundar, learned Standing Counsel accepts notice for the first respondent. Mr.M.Elumalai, learned Government Advocate accepts notice for respondents 2 and 3. I have heard the learned counsel on either side.

2. In this writ petition, the petitioner, who is stated to be the owner of the land in S.F.No.13/1C, 13/2B and 13/3B2 in Pelakuppam Village, seeks a direction to the respondents to consider the material documents, which he relies upon as referred to in the representation dated 13.11.2019 to pay compensation at the rate of Rs.67/- per sq.ft., which was fixed by the Committee against S.F.No.13/C measuring an extent of 1 hectare and 61 ares by applying the principles under the Act 30 of 2013 and also the relevant Rules.

3. As rightly pointed out by the learned Government Advocate, the writ petition is premature. This is so because the Land Acquisition Officer has issued the notice under Section 3 (1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and it is open to the petitioner to file his objections to the said notice. After considering the objections, steps would be taken to determine the compensation, which is payable.

4. The learned counsel for the petitioner submits that the petitioner is not objecting to the acquisition proceedings. But, his apprehension is that in respect of one of the survey numbers, the compensation, which is likely to be fixed, will be ridiculously low ignoring the fact that the land in S.F.No.13/1C has been classified as a residential area, type I.

5. In my considered view, the objections to be raised by the petitioner should be before the Authority concerned and it is needless to state that the Authority concerned will consider the objections.

6. In the light of the above, the writ petition is disposed of by directing the petitioner to submit a fresh representation to the third respondent along with a copy of this order. In such representation, the petitioner is at liberty to point out all the issues and also enclose the documents, which he relies upon. On receipt of such a representation, the third respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of two weeks



from the date of receipt of a copy of this order. No costs.
Consequently, the connected WMP is closed.

Sd/-

Assistant Registrar

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//True Copy//

Sub Assistant Registrar

RS

To

1.The Managing Director,

State Industries Promotion Corporation of Tamil Nadu Ltd.,
SIPCOT, No.18-A, Rukamani Lakshmpathi St, Chennai-8.

2.The District Collector, Collectorate, Villupuram District

3.The Deputy Collector, SIPCOT, Jaggampettai & Post, Tindivanam,
Taluk, Villupuram District.

+lcc to Mr.P.Vijendran, Advocate SR.100201

+lcc to Mrs.Sudharshana Sundar, Advocate SR.100170

+lcc to the Government Pleader SR.101173

WP.No.33464 of 2019&

WMP.No.33934 of 2019

CA (CO)

CB (19/12/2019)