

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.01.2019
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P. 30154 of 2018

Jothi Prem

... Petitioner

Vs

1. The State of Tamil Nadu,
rep. by the Secretary to Government,
Department of Industries,
Fort St. George,
Chennai-9.
2. State Industries Promotion Corp. of
Tamil Nadu,
rep. by its Chairman and Managing
Director,
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai-8.
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The Special Tahsildar (L.A.),
SIPCOT Unit VI,
Sriperumbudur Expansion Scheme-II,
Sriperumbudur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the respondents to re-determine and refix the compensation of the Petitioner's acquired land from Rs.150/- per cent to Rs.6,534/- per cent in S.No.737/2 measuring 3.28.5 hec. Katrambakkam Village, Sriperumbudur taluk and Kancheepuram district along with all statutory benefits based on her representation dated 28.09.2016 as per section 28-A (1) of Land Acquisition Act, 1894 within a stipulated time.

For Petitioner	: Mr.A.S.Vijay Anand
For Respondents	:Mr.C.Thirumaran, Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's application filed under Sec.28-A of Land Acquisition Act, 1894.

2. The grievance of the petitioner is that the petitioner's lands were sought to be acquired for formation of industrial park at Irunkattukottai village. Thereafter, the award was also passed on 25.01.1999. Subsequently, even though the petitioner did not sought for any reference, the neighbouring landowners, whose lands also acquired by the same notification sought for reference under Sec.18 of the Act and on their reference, the reference court has enhanced compensation in L.A.O.P. 1298 of 2008 by a judgment dated 14.06.2016. Thereafter, the petitioner has filed an application on 28.09.2016 seeking for similar compensation under Sec.28-A of the Act. Even after receipt of the representation, so far, it was not considered by the 3rd respondent. Hence, the present Writ Petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that the reference court had passed the award on 14.06.2016 in L.A.O.P. No.1298/2008, and the certified copy of the judgment was delivered to the petitioner on 02.09.2016. Immediately, on 28.09.2016, the petitioner has filed the application within a period of 90 days as stipulated in the Act. However, the respondents, so far, not considered the petitioner's application.

4. Mr.C.Thirumaran, learned counsel appearing for the respondents submitted that the application has been filed in time, and it can be considered.

5. I have considered the rival submissions and perused the records carefully.

6. Considering the submission that the petitioner has submitted the application within the limitation period, the 2nd respondent is directed to consider the petitioner's application and pass suitable orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of the copy of this order.

7. With the above direction, the present Writ Petition stands disposed of. No costs.

Sd/--

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Secretary to Government,
State of Tamil Nadu,
Department of Industries,
Fort St. George,
Chennai-9.
2. The Chairman and Managing
Director,
State Industries Promotion Corp. of
Tamil Nadu,
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai-8.
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The Special Tahsildar (L.A.),
SIPCOT Unit VI,
Sriperumbudur Expansion Scheme-II,
Sriperumbudur.

+1cc to Mr.A.S.Vijay Anand , Advocate SR.No. 5820
+1 CC TO GOVERNMENT PLEADER SR.NO. 6486

A.SK(25/02/2019)

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सत्यमेव जयते

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