

In the High Court of Judicature at Madras

Dated : 06.3.2020

Coram

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition Nos.5644, 5649 and 5656 of 2020
& WMP.Nos.6591, 6597 & 6601 of 2020

P.Muthuraj ...Petitioner in

WP.5644/2020

S.Thirunavukkarasu ...Petitioner in

WP.5649/2020

C.Elumalai ...Petitioner in

WP.5656/2020

Vs

1.The Managing Director, (State
Industries Promotion Corporation
of Tamil Nadu Ltd.) SIPCOT,
No.18A, Rukmani Lakshmipathi
Street, Egmore, Chennai-8.

2.The District Collector, Collectorate,
Villupuram & District.

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

4.The Special Tahsildar (LA),
SIPCOT Office, Tindivanam Taluk,
Villupuram District.

...Respondents

Prayer in 5644, 5649 & 5656/2020

PETITIONS under Article 226 of The Constitution of India
praying for issuance of Writs of Mandamus (i) to direct the
respondents to consider the representation dated 28.9.2012 given
by the petitioner and to direct the respondent to pay the
compensation to his land in S.No.34/4 (New S.No.33/5) spread
over 0.45.0 Ares and also in S.No.34/1 (New S.Nos.33/1 and
33/1B) which has 0.10.0 Arres situated at Pelakuppam Village

No.37, Tindivanam Taluk, Villupuram District as Rs.67/sq.ft in view of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act 2013; (ii) to direct respondents 1 & 2 to pay the compensation to his land S.Nos.34/1,2,3,4, 78 and 38/6 & 8 spread over 0.47.00 Cents situated at Pelakuppam Village, No.37, Avaraipakkam Sub-Registration Office, Tindivanam D.R. Office, Tindivanam Taluk, Villupuram District on the basis of residential area as Rs.67 in view Letter No.2519/E2/2019-3 dated 19.8.2019 which was given by the District Registrar (Admn) Tindivanam and also the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013; and (iii) to direct respondents 1 and 2 to pay the compensation to his land in S.No.33/5 (Old S.No.34/4) spread over 0.45.0 Ares and also in S.No.33/1B (Old S.No.34/1) spread over 0.10.0 Ares, situated at Pelakuppam Village No.37, Avaraipakkam Sub-Registration office, Tindivanam D.R.Office, Tindivanam Taluk, Villupuram District on the basis of residential area as Rs.67 in view Letter No.2519/E2/2019-3 dated 19.8.2019 which was given by the District Registrar (Admn) Tindivanam and also the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act 2013, respectively.

For Petitioners : Mr.P.Vijendran
For Respondent-1 : Mrs.Sudharshana Sundar
For Respondents 2 to 4 : Mr.M.Elumalai, GA

COMMON ORDER

I have heard Mr.P.Vijendran, learned counsel for the petitioners, Mrs.Sudharshana Sundar, learned Standing Counsel accepting notice for the first respondent and Mr.M.Elumalai, learned Government Advocate accepting notice for respondents 2 to 4. By consent, the writ petition itself is taken up for final disposal.

2. In this writ petition, the petitioners, who are stated to be the owners of the lands in various survey numbers in Pelakuppam Village, seek a direction to respondents 1 and 2 to consider their representations respectively dated 28.9.2012, 20.2.2020 and 20.2.2020 and 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 petitions are premature. This is so because

the Land Acquisition Officer has issued the notices under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and it is open to the petitioners to file their objections to the said notices. After considering the objections, steps would be taken to determine the compensation, which is payable.

4. The learned counsel for the petitioners submits that the petitioners are not objecting to the acquisition proceedings. But, their 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 petitioners 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 petitions are disposed of by directing the petitioners to submit a fresh representation to the third respondent along with a copy of this order. In such representation, the petitioners are at liberty to point out all the issues and also enclose the documents, which they want to rely 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 WMPs are closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

RS

To

1.The Managing Director, (State Industries Promotion Corporation of Tamil Nadu Ltd.) SIPCOT, No.18A, Rukmani Lakshmipathi Street, Egmore, Chennai-8.

2.The District Collector, Collectorate, Villupuram & District.

3/4

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

4.The Special Tahsildar (LA), SIPCOT Office, Tindivanam Taluk, Villupuram District.

+3ccs to Mr.P.Vijendran, Advocate, S.R.Nos.20615 to 20617
+1cc to the Government Pleader, S.R.No.21161

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WMP.Nos.6591, 6597 & 6601/2020

JP (CO)
RSI (22/05/2020)



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