

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.12915 OF 2020

R.Nachall

...Petitioner

Vs.

- 1 The State of Tamil Nadu
rep by Secretary to Government
Industrial Department
Fort St. George, Secretariat
Chennai-09
- 2 SIPCOT
Rep by its Chairman and Managing Director
No.19A, Rukmani Lakshmipathy Road
Egmore, Chennai.
- 3 The District Collector
Collectorate, Kancheepuram District.
- 4 Special Tahsildar Land Acquisition
SIPCOT
Irungattukottai and Sriperumbudur Scheme
Sriperumbudur, Kanchipuram District.

...Respondents

Prayer:-

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to fix compensation for the lands of the petitioner at S.No.354/ 4A1, Santhavelur Village, Sriperumbudur Taluk, Kanchipuram District under The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013.

For Petitioners	:	Mr.Solaiappan
For Respondents 1 & 3	:	Mr.K.Parameshwaran Government Advocate
For Respondents 2 & 4	:	E.Manoharan Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to fix the compensation for the lands belonging to the petitioner, under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act of 2013 and to pay the same to the petitioner within the time stipulated by this Court.

2. When the matter came up for hearing on 11.11.2020, the following order was passed by this Court:-

"Mr.E.Manoharan, learned Special Government Pleader, on instructions, submitted that the award has been passed by the third respondent only during the month of March 2020 under the 2013 Act. The learned counsel submitted that the compensation that was determined, will also be deposited within the time fixed by this Court. The learned Special Government Pleader further submitted that a copy of the award will be served on the learned counsel for the petitioner and it will also be filed before this Court.

2. Post this case under the same caption 'for orders' on 07.12.2020. In the mean time, the compensation amount shall be deposited. The learned counsel for the petitioner shall also take instructions on the award passed by the third respondent."

3. The petitioner has filed an additional affidavit to the effect that he may be permitted to withdraw the compensation, without prejudice to his rights to claim for enhanced compensation in accordance with law.

4. Mr.E.Manoharan, learned Special Government Pleader submitted that the copy of the award is ready and it will be served on the learned counsel for the petitioner today itself. The learned Special Government Pleader further submitted that if the petitioner is not satisfied with the compensation already fixed, it is left open to him to seek for enhancement in the manner known to law.

5. Taking into consideration the facts and circumstances of the case and the specific stand that has been taken on either side, this Writ Petition is disposed of with the following directions:-

(a) The petitioner is permitted to withdraw the entire compensation, without prejudice to his rights to claim for the enhanced compensation in accordance with the law. The second respondent shall ensure that the petitioner withdraws the compensation within a period of four weeks from the date of receipt of a copy of this order;

(b) The Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 specifically provides under Section 8 of the Act that any person aggrieved by the decision of the Collector determining the compensation amount, may within 60 days from the date of such compensation, can request the Collector to refer the matter to the concerned Court in order to seek for an enhanced compensation. The petitioner has been given a copy of the award only now. Hence, if the petitioner is not satisfied with the compensation already fixed, the petitioner is directed to make a representation to the third respondent on or before 28.12.2020, seeking for reference before the competent Court; and

(c) The third respondent, on receipt of the representation/application from the petitioner, shall immediately refer the matter before the competent Court and thereafter, the petitioner can work out his remedy before the competent Court seeking for enhanced compensation.

No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mra

To

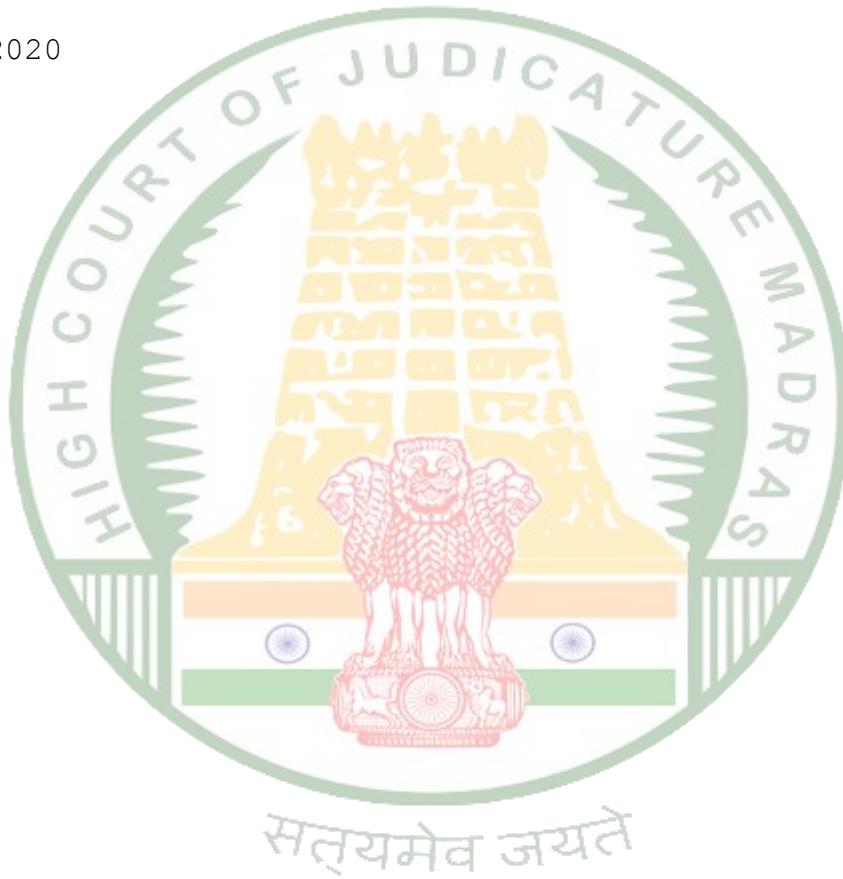
- 1 The Secretary to Government,
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+1cc to Mr.Thriyambak J.Kannan, Advocate, S.R.No.39517

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SRA (CO)
CS/10/12/2020



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