



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.12.2020
CORAM
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P. (MD) No.14506 of 2020
and
W.M.P. (MD) .No.12157 of 2020

Suganya

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Special District Revenue Officer,
(Land Acquisition),
SIPCOT Office,
Sattur,
Virudhunagar District.

3.The Special Tahsildar (Land Acquisition),
SIPCOT, Unit-III,
Sattur,
Virudhunagar District.

4.Subbaraj
5.Radhakrishnan
6.Saranya

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 3 to disburse the petitioner's share of land acquisition compensation award amount in respect of agricultural lands situated in Survey No.232/6B1, comprising Patta No.914 and the Survey Nos.193/3 234/2, 234/3 (except Survey No.35/9 and 81/4) comprising Patta No.844 at E.Kumaralingapuram Village, Sattur Taluk, Virudhunagar District, under G.O.Ms.No.40 Industries (SIPCOT-LA), dated 14.02.2020, G.O.Ms.No.139, Industries (SIPCOT-LA), dated 17.06.2020 and G.O.Ms.No.181, Industries (SIPCOT-LA), dated 25.08.2020 considering the petitioner's representation, dated 18.08.2020.

For Petitioner : Mr.T.Veerakumar

For Respondents 1 to3 : Mr.K.P.Krishnadoss
Special Government Pleader

For Respondent No. 6 :Mr.K.Arun Raj

For Respondents 4 &5 : Notice Dispensed with.

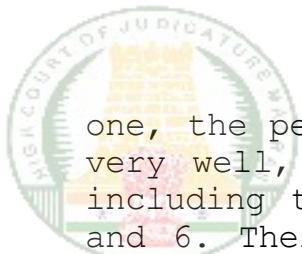
**ORDER**

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents 1 to 3 to disburse the petitioner's share of land acquisition compensation award amount in respect of agricultural lands situated in Survey No.232/6B1, comprising Patta No.914 and the Survey Nos.193/3, 234/2, 234/3 (except Survey No.35/9 and 81/4) comprising Patta No.844 at E.Kumaralingapuram Village, Sattur Taluk, Virudhunagar District, under G.O.Ms.No.40 Industries (SIPCOT-LA), dated 14.02.2020, G.O.Ms.No.139, Industries (SIPCOT-LA), dated 17.06.2020 and G.O.Ms.No.181, Industries (SIPCOT-LA), dated 25.08.2020 considering the petitioner's representation, dated 18.08.2020.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Mr.K.P.Krishnadoss, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.K.Arun Raj, learned counsel takes notice on behalf of the sixth respondent. Since no adverse order is going to be passed against the respondents 4 and 5, notice to them is dispensed with.

4. The case of the petitioner is that the agricultural lands situated in Survey No.232 / 6B1, comprising Patta No.914 and the Survey Nos.35/9, 193/3, 234/2, 234/3 & 81/4 comprising Patta No.844, at E. Kumaralinga Puram Village, Sattur Taluk, Virudhunagar District are the ancestral lands and inherited from one Krishnasamy Naicker, who is the Petitioner's paternal grandfather. After the demise of his grandfather, the above said agricultural lands further inherited to Subbaraj /4th respondent herein. Now the Patta in respect of the above said agricultural lands stands jointly in the name of the petitioner's father, Subburaj and his brother namely, Navaneethan and one Mohankumar, who is the legal heir of his another brother, namely, Dheenathayalan as Joint Pattathars. The respondents 5 and 6 and the petitioner are the legal heirs of his father 4th Respondent herein. Therefore, the Petitioner and Respondents 4 to 6 herein are entitled 1/4th share of the above said ancestral properties through his father. Under those circumstances, on 14.02.2020, 17.06.2020 and 25.08.2020, the Government of Tamil Nadu issued Notifications under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1995 vide G.O. to acquire the above said agricultural lands situated in Survey No.232 / 6B1, comprising Patta No.914 and the Survey Nos. 193/3, 234/2, 234/3 (except Survey Nos.35/9 & 81/4) comprising Patta No.844, at E.Kumaralingapuram Village, Sattur Taluk, Virudhunagar District by SIPCOT. After issuance of notice, the Petitioner's father/4th respondent himself alone approached the respondents 2 and 3 as one of the Joint Pattathars and tried to get the total compensation award amount by suppressing the right of the petitioner and the respondents 5 and 6. since the above said properties are ancestral



one, the petitioner's father is entitled his share alone. But, knowing very well, his father made an attempt to swindle total award amount including the petitioner's share and the share of the respondents 5 and 6. Therefore, the petitioner sent a representation on 18.08.2020 to the second respondent. However, the representation submitted by the petitioner dated 18.08.2020 is not considered so far. In such circumstances, the petitioner has approached this Court.

5. When the matter is taken up for hearing, learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the representation of the petitioner has been considered on 10.12.2020 and the fourth respondent, Subburaj appeared before the Special Tahsildar (Land Acquisition), SIPCOT Office, Sattur, Virudhunagar District. He further submitted that since the property belonged to the fourth respondent's father, namely, Krishnasamy Naicker, the amount payable as compensation can be equally divided between the writ petitioner, her mother, namely, Suganya and other private respondents, namely, respondents 4 to 6, ie., each would be entitled to 1/5th share.

6. In view of the same, this Court is of the view that the compensation deposited may be disbursed among five persons, namely, 1.Suganya, W/o.Subburaj, 2.Subburaj (R4 herein), S/o.Krishnasamy Naicker, 3.Suganya (Petitioner herein), D/o.Subburaj, 4.Radhakrishnan (R5 herein), S/o.Subburaj and 5.Saranya (R6 herein), D/o.Subburaj equally. Once award is passed, they are willing to take 1/5th share each. The said willingness is recorded.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Special District Revenue Officer,
(Land Acquisition),
SIPCOT Office,
Sattur, Virudhunagar District.

3.The Special Tahsildar (Land Acquisition),
SIPCOT, Unit-III,
Sattur, Virudhunagar District.

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