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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.6534 of 2021

Kallapalli Samatha

...Petitioner

Vs.

1. The District Collector,
Kancheepuram District.
2. The Special District Revenue Officer (LA),
SIPCOT,
Inrunggattukottai Expansion Scheme,
Sriperumpudhur, Kancheepuram - 602 105.
3. The Special Tahsildar (L.A),
SIPCOT, Unit - III presently Unit - II,
Inrunggattukottai Expansion Scheme,
Sriperumpudhur,
Kancheepuram - 602 105.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the third respondent to disburse the compensation under Section 7(3) of the Tamil Nadu Land Acquisition for Industrial Purpose Act, 1997 to the petitioner.

For Petitioner : Mr.C.Camyles Gandhi

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate

O R D E R

(The case has been heard through video conference)

The writ petition has been filed seeking a direction to the respondents to pay compensation to the petitioner.

2. According to the petitioner, she purchased the property in Plot Nos.93, 94 and 95 ad measuring an extent of 5400 square feet situated at Rajeswari Nagar, Pillaipakkam Village,



Sriperumpudhur, Kancheepuram District comprised in Survey No.53/9B.

3. Before the petitioner purchase the property, acquisition proceedings were initiated and the lands were acquired in the year 2007 itself and without disclosing the same the petitioner's vendor sold the property to her. After coming to know about the acquisition proceedings, she had approached the respondents, and came to know that the acquisition proceedings were initiated in her vendor's name and the Award amount was also deposited in the Civil Court under Section 7(3) of the Tamil Nadu Land Acquisition for Industrial Purposes Act, 1997. In such circumstances, the petitioner has filed the present writ petition seeking compensation from the respondents.

4. Mr.C.Camyles Gandhi, learned counsel appearing for the petitioner submitted that the petitioner is a subsequent purchaser after acquisition proceedings and the land owner has already given her consent for paying the compensation amount in favour of the petitioner. In such circumstances, the respondents may be directed to consider the above request of the petitioner and pay the compensation to the petitioner.

5. Per contra, Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents, on instructions, submitted that there is a dispute between the parties regarding the ownership and hence the award amount has been deposited before the Sub Court, Kanchipuram under Section Section 7(3) of the Tamil Nadu Land Acquisition for Industrial Purposes Act, 1997. In such circumstances, the respondents are not in a position to consider the request of the petitioner and she can approach the Civil Court by filing necessary application seeking for compensation.

6. I have considered the rival submissions.

7. Admittedly, the award amount has been deposited in a Civil Court under Section 7(3) of the Tamil Nadu Land Acquisition for Industrial Purposes Act, 1997. If at all the petitioner has any right over the compensation amount, it is open for her to approach the Civil Court by filing necessary application seeking for compensation. As the Award amount has been deposited in a Civil Court, the authorities cannot consider the representation of the petitioner at this stage. In such circumstances, the prayer as sought for by the petitioner cannot be granted, however it is open to the petitioner to approach the



Civil Court by filing necessary application seeking for compensation. With the above observation, the writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kk

To

1. The District Collector,
Kancheepuram District.
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Kancheepuram - 602 105.

+1cc to Mr.W.Camyles Gandhi,Advocate,Sr.32159
+1cc to the Government Pleader,Sr.32598

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GSM[co]
NSK 05/08/2021