

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No. 8434 of 2021
and
W.M.P.Nos.8976 & 8679 of 2021

E.N.Anandaprasad

...Petitioner

Vs

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. Independent Collector (Land Acquisition)
Office-Mannur-Valarapuram,
Nemili Project, SIPCOT,
Sriperumbudur 602 105,
Kancheepuram District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus to call for the records in the proceedings dated 20.01.2021 passed in Na.Ka.No.8/2014/Aa on the file of the 1st respondent and quash the same in so far as the petitioner is concerned, and direct the respondents to pay suitable and fair compensation to the petitioner in respect of his lands under his possession, occupation and enjoyment situated namely plot Nos.222, 223 totally measuring an extent of 4800 sq.ft. in Poonamallee Mannur Vijayam Sowbhagya Co-operative Maha Nagar, comprised in Survey Nos.519/5C, 519/5F in No.50, Mannur Village, Sriperumbudur Taluk, Kanchipuram District in terms of the provisions of the right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Centra Act 30 of 2013) and pay the compensation with interest admissible in law.

For petitioner ... Mr.A.Damodaran

For respondents ... Mr.Akhil Akbar Ali,
Government Advocate

ORDER

This writ petition has been filed challenging the award passed by the second respondent.

2. According to the petitioner, a larger extent of the land in Patta No.50, Mannur Village was acquired for establishment of SIPCOT industrial park. Subsequently, award enquiry was also conducted by the second respondent, in which, all the land owners were participated and raised their objections. Considering the objections, the second respondent passed an award in Award No.13/2016 dated 20.01.2021, wherein the first respondent fixed a total compensation amount of Rs.65,62,56,526/- for an extent of 368937 sq.ft(8.46 Acre). While passing award, the second respondent did not specifically passed any individual award in respect of the respective land owners and did not give any apportionment. Hence, the present writ petition.

3. Mr. Akhil Akbar Ali, learned Government Advocate appearing for the respondents admit the fact that award was a comprehensive, the specific compensation amount payable to the respective land owners was not mentioned.

4. I have considered the submissions made on either side and also perused the order passed by the first respondent.

5. From a perusal of the impugned award, it could be seen that, the second respondent /Acquisition Officer considered various claims made by the land owners, however, the second respondent, passed the consolidated award, fixing the total compensation of Rs.65,62,56,526/- for an extent of 8.46 Acres without passing individual award for the respective land owners for their respective areas acquired from them.

6. In the above circumstances, without setting aside the award, the second respondent is directed to pass separate award in respect of individual land owners in respect of the properties acquired from them , after issuing notice to all the land owners. The said exercise should be completed within a period fo 12 weeks from the date of receipt of a copy of th is order. The petitioner is also directed to appear before the 2nd respondent and file necessary representation to that effect.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

mrp
To

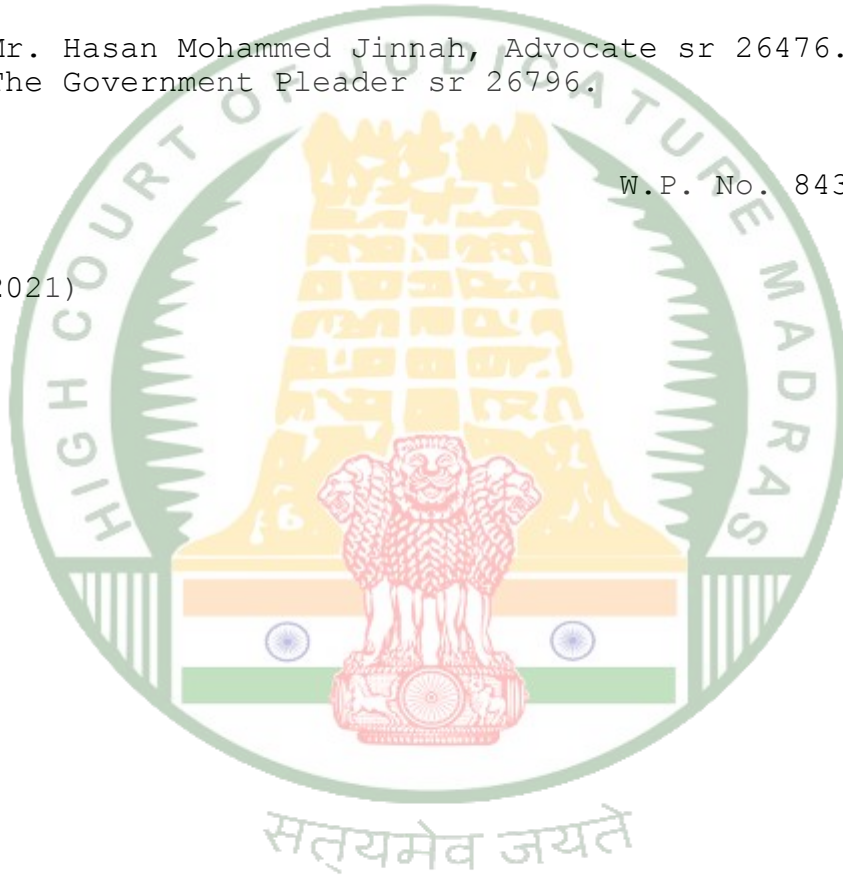
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Kancheepuram District

+1 CC to Mr. Hasan Mohammed Jinnah, Advocate sr 26476.

+1 CC to The Government Pleader sr 26796.

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RK(CO)
SP(06/07/2021)



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