



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10069 of 2021

K.Ramachandran

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 2.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 3.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Industries, Steel Control and Special Initiatives Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 4.The Additional Chief Secretary / Commissioner of Land
Administration,
Ezhilagam,
Chepauk, Chennai - 600 005.
- 5.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 6.The Managing Director,
State Industries Promotion Corporation of Tamil Nadu Ltd.,
(SIPCOT),
No. 19-A, Rukamani Lakshimipathy Road,
Egmore, Chennai - 600 008.



7.The District Collector,
Collectorate,
Dharmapuri District.

8.The District Registrar,
Dharmapuri,
Dharmapuri District.

9.The Land Acquisition Officer /
Special District Revenue Officer (SIPCOT)
Dharmapuri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 9th respondent to pay compensation to the above subject acquired land as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (Central Act 30/2013) to fix market value of land as on dated.

For Petitioner : Mr.M.Selvam

For R1 to R5,
R7 and R8 : Mr.A.Selvendran
Special Government Pleader

For R6 : Mr.E.Manoharan

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the 9th respondent to pay compensation in accordance with the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (Central Act 30/2013) for the land acquired by the 9th respondent for setting up of SIPCOT Industry Complex.

2. Learned counsel for the petitioner submitted that the Government of Tamil Nadu by G.O.Ms.No.284, Industries (SIPCOT-L.A) Department, dated 30.12.2015 have accorded administrative sanction for acquisition of 222.81 hectares of patta lands under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as 'the Act' for short) and the alienation of 478.97 hectares of Government poramboke lands in Adhagapadi, Athiyamakottai, Thadangam and Balajangamanahalli Villages in Dharmapuri District. The 7th respondent had sent the proposals under Section 3(1) of the Act.



3. On perusal of the counter affidavit filed on behalf of 1st, 3rd, 4th and 7th respondents, revealed that the notice under Section 3(2) of the Act read with Rules 3 and 4 of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001 (hereinafter referred to as 'the Rules' for short) was issued to the concerned land owners of the Industry Lands between the months of August and December, 2016 and between the months of February and May, 2017. The objections received by the 8th respondent, the same were put forth to the 7th respondent. The petitioner has submitted his objections on 07.12.2016. After scrutinization of the objections received, the same was rejected on 08.03.2017 following the due process of law and submitted the final proposal to the 4th respondent under Section 3(1) of the Act. Thereafter, the 4th respondent identified the precipitous increase of the guideline values of the Industry Lands to the maximum multiples of 516 times in Guideline Year of 2012-2017, in comparison with the Guideline Year of 2007-2012.

4. It is further revealed that thereafter, the State Level Valuation Committee under the Chairmanship of Inspector General of Registration/the 5th respondent herein was constituted on 03.09.2018 under Sections 47-A and 47-AA(1) of the Indian Stamp Act, 1899. The Apex Committee unanimously resolved to constitute a Valuation Sub-Committee. The 7th respondent called upon the 8th respondent and other Officers for the constitution of the District Committee. The District Committee was convened on 07.09.2018.

5. That apart, to assess the Industry Lands at field level, a Taluk Level Valuation Committee was also constituted under the Chairmanship of the District Registrar, Dharmapuri. After conducting a field level inspection of the Industry Lands, the District Registrar - Administration, Dharmapuri by a communication dated 11.09.2018 informed the District Committee of the miscalculated increased Guideline Values of 25 Survey Numbers of the Industry Lands. Thereafter, it was recommended for rectification proposal to the Apex Committee. Thereafter, the enquiry notices for compensation were issued as contemplated under Section 7(2) of the Act read with Rule 10 of the Rules to the owners and the interested persons. Therefore, the enquiry is still pending.

6. According to the respondents, the writ petition itself is pre-mature and the compensation would be paid after determination of values of the lands. It is further revealed that out of total Industry Lands of 1773 acres measuring to an extent of 1183 acres or 478.91 hectares of lands were taken possession as the same being Government poramboke lands. Among the private patta lands having an total extent of 550 acres with



1060 Pattadars, a volume of 125.21 acres of land belonging to 308 Private Pattadars were already taken possession by the District Administration and fixed the market value for their respective lands through negotiation as contemplated under Section 7(2) of the Act.

7. Considering the above, the 8th respondent is directed to fix the compensation for the petitioner in respect of the subject property as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (Central Act 30/2013) and complete the said process within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

- 1.The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 2.The Principal Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 3.The Principal Secretary to Government,
Industries, Steel Control and Special Initiatives Department,
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Dharmapuri District.

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Special District Revenue Officer (SIPCOT)
Dharmapuri District.

+1cc to Mr.M.Selvam, Advocate SR.No.61445

+1cc to Mr.P.S.Kothandaraman, Advocate SR.No.61214

+1cc to Government Pleader SR.No.61941

W.P.No.10069 of 2021

SPD(CO)
GMY(10/12/2021)