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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16498 of 2021

R.Eswari

Represented by Power of Attorney Agent,
Rathinavel Maileri

... Petitioner

Vs.

1. The District Collector,
Kancheepuram,
Industries SIPCOT-LA Department,
Kancheepuram.

2. The Special Tahsildar (LA),
Mannur Valarapuram Nemili Scheme,
SIPCOT Project Office, INDL Park (First Floor),
Irungattukottai, Pennalur Post,
Sriperumbudur Taluk,
Kancheepuram District - 602105.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to refer the matter to the competent court as per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, for enhancement of compensation for the land acquired from the petitioner in S.No.542B/6B measuring an extent of 4,800 Sq.ft earmarked as Plot No.163 in the approved layout "Poonamallee Mannure Vijayam Sowbhagya Co-operative Mahaa Nagar", at No.50, Mannur Village, Sriperumbudur Taluk, Kancheepuram District. Within a time framed fixed by this Court.

For Petitioner : Mr.P.Dinesh Kumar

For respondents : Mr.K.M.D.Muhilan
Government Advocate

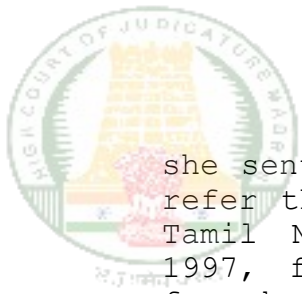


ORDER

This Writ Petition has been filed to direct the 2nd respondent to refer the matter to the competent court as per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, for enhancement of compensation for the land acquired from the petitioner in S.No.542B/6B measuring an extent of 4,800 Sq.ft earmarked as Plot No.163 in the approved layout "Poonamallee Mannure Vijayam Sowbhagya Co-operative Mahaa Nagar", at No.50, Mannur Village, Sriperumbudur Taluk, Kancheepuram District.

2. The case of the petitioner is that the petitioner is the absolute owner of the Vacant Land situated in S.No.542B/6B measuring an extent of 4,800 Sq.ft earmarked as Plot No.163 in the approved layout "Poonamallee Mannure Vijayam Sowbhagya Co-operative Mahaa Nagar" at No.50, Mannur Village, Sriperumbudur Taluk, Kancheepuram District and she purchased the same under a registered sale deed dated 05.07.2006. The Government of Tamil Nadu, Industries Department, delegated their power to the District Collector, Kancheepuram as per the G.O.Ms.No.61 dated 20.03.2015 and directed the petitioner to surrender or deliver the possession of the subject matter property to the Special Tahsildar (LA), SIPCOT, Unit-II, Mannur Valarapuram Nemili Scheme, Sriperumbudur, as per Section 4(2) of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. Further, Section 3(1) notification was also published in the Tamil Nadu Government Gazette Extraordinary No.94 on 21.04.2015. Based on the above said G.O. and notification, the petitioner's land (subject matter property) has been acquired by the Government under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. Since she is in abroad, from the beginning her father only appeared before the respondents herein for all the acquisition proceedings as Power of attorney agent.

3. The further case of the petitioner is that the petitioner's land is situated in Block 10 of the approved layout has been acquired after several rounds of meeting and enquiry. After enquiry, an award has been passed. But no copy was served to her till date. Even though the value of the property was worth more than Rs.2 Crores, to her shock and surprise, on 01.04.2021, a paltry sum of Rs.85,41,343/- was transferred to her bank account. Thereafter only she came to know that the award has been passed and the compensation was credited to her bank account, and she immediately filed a protest petition and received the same without prejudice to their right to claim enhanced compensation. Since the compensation fixed by the 2nd respondent was very meager and was not calculated as per the provisions of the Right to Fair Compensation, and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013,



she sent a representation dated 09.06.2021 to the respondents to refer the matter to the competent court as per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, for enhancement of compensation for the lands acquired from her and also requested the respondents to furnish them the copy of the award at the earliest to pursue the matter before competent court under Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. The said representation was received by both the respondents, but till date the same was not duly considered and further till date the 2nd respondent did not refer the matter to the competent court as per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, for enhancement of compensation for the lands acquired from her.

4. The learned counsel appearing for the petitioner would submit that the 2nd respondent has awarded very meager amount for the lands acquired from the petitioner and they have not even been served copy of the award passed by the authorities. Further, he would submit that the petitioner has already given a representation to the respondents for referring the matter to the competent court to enhance the compensation and the respondents also received the same. But till now, no action has been taken by the respondents.

5. The Learned Government Advocate appearing for the respondents would submit that the representation given by the petitioner will be considered by the authorities and they will refer the matter to the competent court as per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, and prays for granting appropriate direction before this Court.

6. As already the petitioner has filed a protest petition stating that the copy of the award has not been served and only the amount has been deposited to their account, she has got right to file a petition for referring the matter to the competent court by the authorities. Hence, this Court is of the view that the petitioner shall be given an opportunity to put forth their defence by referring the matter to the competent court for seeking enhancement of compensation Rs.85,41,343/- as it is stated by the petitioner that the market value of their property is worth more than Rs.2 Crores.

7. Accordingly, this Court directs the 2nd respondent to refer the matter to the competent court as per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, within a period of eight weeks from the date of receipt of a copy of this order. Further, this Court directs the 2nd respondent to issue the copy of the award to the petitioner, if



not already issued. No costs.

8. With the above directions, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

raja

To

1. The District Collector,
Kancheepuram,
Industries SIPCOT-LA Department,
Kancheepuram.
2. The Special Tahsildar (LA),
Mannur Valarpuram Nemili Scheme,
SIPCOT Project Office, INDL Park (First Floor),
Irungattukottai, Pennalur Post,
Sriperumbudur Taluk,
Kancheepuram District - 602105.

+lcc to Mr.M.R.Kuyilan, Advocate, S.R.No.44419

+lcc to the Government Pleader, S.R.No.44612

W.P.No.16498 of 2021

KSM(CO)
CT(27/09/2021)