



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16974 of 2021
and
W.M.P.No.17975 of 2021

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... Petitioner

-Vs-

1. The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai - 5.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Revenue Divisional Officer,
Sriperumbudur Taluk,
Kancheepuram District.
4. The Tahsildhar,
Sriperumpudur Taluk,
Kancheepuram District.
5. The Special Tahsildhar,
Land Acquisition,
Nemili, Mannur and Velanapuram,
Sipcot 3, Sriperumpudur Taluk,
Kancheepuram District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the fifth respondent to determine and pay the compensation to the petitioner in respect of property comprised in Survey No.28/2 an extent of 6.34 acres situate at Nemili Village, Sriperumpudur Taluk, Kancheepuram District acquired by them for SIPCOT Project, in pursuance of the Judgment and Decree of the District Court, Kancheepuram in O.S.No.32 of 2018, dated 22.11.2018 along with interest within a reasonable time as deem fit by this Hon'ble Court and grant such



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other further relief as this Hon'ble Court may deem fit in the circumstances arising out of the case.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.Yogesh Kannadasan

Special Government Pleader.

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the fifth respondent to determine and pay the compensation to the petitioner in respect of property comprised in Survey No.28/2 an extent of 6.34 acres situate at Nemili Village, Sriperumpudur Taluk, Kancheepuram District acquired by them for SIPCOT Project, in pursuance of the Judgment and Decree of the District Court, Kancheepuram in O.S.No.32 of 2018, dated 22.11.2018 along with interest within a reasonable time as deem fit by this Hon'ble Court and grant such other further relief as this Hon'ble Court may deem fit in the circumstances arising out of the case.

2.Heard Mr.M.Muthappan, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

3.The petitioner claimed compensation for the land comprised in Survey No.28/2 to an extent of 6.34 acres situated at Nemili Village, Sriperumpudur Taluk, Kancheepuram District, which was acquired by the fifth respondent for SIPCOT project. Further, the petitioners claimed compensation on the strength of the Judgment and Decree, dated 22.11.2018 passed in O.S.No.32 of 2018. The said suit was filed for declaration and injunction as against the respondents 2 and 4 herein and directed the fourth respondent herein to pay adequate compensation to the petitioner for the subject property. The said suit was decreed as ex-parte as against the respondents herein.

4.A perusal of the counter revealed that the fourth and fifth respondents filed petition to set-aside the exparte decree, dated 22.11.2018 in O.S.No.32 of 2018 on the file of the District Court, Kanchipuram along with condone delay petition in SR.No.4181 of 2021, 4182 of 2021 and 4183 of 2021 and it is pending.

5.Therefore, the petitioner can very well approach the Trial Court by way of execution proceedings, to execute the decree passed in her favour. However, the petitioner is at liberty to approach the respondents for seeking compensation,



subject to the result of the set-aside petition filed by the respondents 4 and 5 herein. That apart, the petitioner is always at liberty to approach the Trial Court to execute the decree, decreed in her favour in the manner known to law.

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6. Therefore, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai - 5.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
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Sriperumbudur Taluk,
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4. The Tahsildhar,
Sriperumpudur Taluk,
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Nemili, Mannur and Velanapuram,
Sipcot 3, Sriperumpudur Taluk,
Kancheepuram District.

+1cc to Mr.M.Muthappan, Advocate SR.No.62142

+1cc to the Government Pleader SR.No.62650

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PL(CO)

GN(14/12/2021)