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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.18495 of 2021

N. Arunkumar

...Petitioner

Versus

1. The Special District Revenue Officer,
Land Acquisition-SIPCOT,
Dharmapuri - 636 705.

2. The Special Tahsildhar,
Land Acquisition-SIPCOT,
Unit-2,
Dharmapuri-636 705.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay the compensation of Rs.24,68,950/- to the petitioner for his lands in S.No.331/4, measuring 2 Acres at Thadangam Village, Dharmapuri Taluk and District acquired by the respondents without insisting the production of original settlement deed vide Document No.2103 of 2015 registered at SRO, Dharmapuri West.

For Petitioner : Mr.J.Bharathiraja

For Respondents : Mr.K.M.D. Muhilan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents to pay the compensation of Rs.24,68,950/- to the petitioner for his lands in S.No.331/4, measuring to an extent of 2 acres at Thadangam Village, Dharmapuri Taluk and District acquired by the respondents without insisting the production of original settlement deed vide Document No.2103 of 2015 registered on the file of Sub Registrar Office, Dharmapuri West.

2. According to the petitioner, he is the owner of the property comprised in S.No.331/4, measuring to an extent of 1.94.50 hectares situated at Thandangam Village, Dharmapuri



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Taluk and District, which was purchased by way of registered a settlement deed vide Doc.No.2103/2015 from his father R.Natarajan and the same has been registered on the file of Sub Registrar Office, Dharmapuri West and Patta No.1217 was also mutated in his name and he is in possession and enjoyment of the property after execution of settlement deed. However, when he was taking the photocopies of the settlement deed, he lost it two years ago. Despite sincere his efforts to trace the said settlement deed mentioned above, the same could not be traced out. In the meanwhile, the respondents herein have initiated land acquisition proceedings to acquire nearly 19.22 acres of patta land in Thadangam Village in Dharmapuri Taluk for the purpose of setting up of SIPCOT under Tamil Nadu Acquisition of Lands for industrial purposes Act, 1999. In this connection, the respondents issued summon to the petitioner under Section 7 (2) of the said Act, dated 06.07.2021 to appear for enquiry as portion his land was also proposed to be acquired. He agreed to give two acres of his land through negotiation for a total sum of Rs.24,68,950/- to the Government of Tamil Nadu and he has also signed on the consent letter to that effect and agreed to receive the said compensation. But, the respondents are reluctant to pay the compensation to him and he is not in a position to produce the original settlement deed vide Doc.No.2103/2015 registered on the file of Sub Registrar Office, Dharmapuri West. He has also explained to them that he lost the said document as stated above and he submitted his computer Patta and Encumbrance Certificate. In spite of that his explanation they are not willing to pay the compensation and still harping on production of original settlement deed. He has not made any encumbrance over the property in question. In his consent letter dated 13.07.2021 itself, he made it clear in writing that there is no litigation in respect of the property and he is the absolute owner of the property. He has also said that if he get the compensation by furnishing false information about the ownership of the property, he shall be liable to be proceeded against both under the Criminal Law as well as the Revenue Recovery Act. Therefore, no prejudice would be caused to the respondents if they are directed to pay the compensation without seeking original document. Hence the petitioner has come forward with the present writ petition seeking for a writ of mandamus to direct the respondents to pay the compensation to him for his lands mentioned above without insisting the production of original settlement deed mentioned above.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's case and dispose of the same within a stipulated time that may be framed by this Court.



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4. Mr.K.M.D.Muhilan, learned Government Advocate appearing on behalf of respondents submitted that the respondents will pass appropriate orders on merits in accordance with law, if any representation submitted by the petitioner is pending before the Competent Authority.

5. Heard both sides and perused the materials available on records.

6. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, the petitioner is directed to appear by way of fresh representation before the respondents herein within a period of two weeks along with the copy of this order and other Revenue Records to prove that the petitioner is in possession of the aforesaid property. After receiving such fresh representation from the petitioner, the respondents are directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording an opportunity to the petitioner within a period of sixteen weeks thereafter. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Special District Revenue Officer,
Land Acquisition-SIPCOT,
Dharmapuri - 636 705.

2. The Special Tahsildhar,
Land Acquisition-SIPCOT,
Unit-2, Dharmapuri-636 705.

+1 cc to Mr.J.Bharathiraja,Advocate Sr.No.44836

+1 cc to the Government Pleaer,Sr.No.44875

W.P.No.18495 of 2021

BR[co]

NSK 22/10/2021