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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.9510 of 2014

M.Bramman

... Petitioner

-Vs-

1. The District Collector,
Kancheepuram.
2. The Special Tahsildar,
Unit -1,
SIPCOT, Sriperumbudhur,
Scheme - 2,
Sriperumbudhur.
3. Adarsh Estate Private Ltd.,
No.15, Kannaiyan Street,
T.Nagar, Chennai - 600 017.

... Respondents

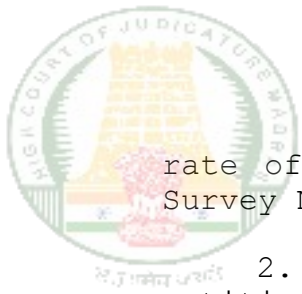
Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to pay the compensation award to the petitioner as already fixed at the rate of Rs.190/- per sq.ft. of the petitioner's Plot No.125-B, Survey No.19/5, Village No.174, Vadacal A, Sriperumbudhur Taluk.

For Petitioner : M/s S.Shyamala

For R1 and R2 : Mr.C.Kathiravan
Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, to direct the respondents to pay the compensation award to the petitioner as already fixed at the



rate of Rs.190/- per sq.ft. of the petitioner's Plot No.125-B, Survey No.19/5, Village No.174, Vadacal A, Sriperumbudhur Taluk.

2. Heard M/s S.Shyamala, learned counsel appearing for the petitioner and Mr.C.Kathiravan, learned Special Government Pleader appearing for the respondents 1 and 2.

3. The case of the petitioner is that the petitioner purchased Plot No.125B, comprised in Survey No. 19/5, Village No.174, Vadacal A, Palanallur Taluk, Sriperumbudhur Taluk, by the registered Sale deed, dated 03.09.2001, registered vide Document No.4320 of 2001 from the third respondent. While being so, the second respondent issued notice under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes, Act, 1997, on 03.04.2012, thereby called upon the petitioner to attend the enquiry if there is any objection. The petitioner raised objections. However, the said land was acquired and the compensation have been fixed at Rs.190/- per sq.ft. Thereafter, the petitioner was called upon to attend the enquiry with all relevant documents to receive the compensation. The second respondent also had issued delivery receipt for the subject property. The petitioner attended the enquiry and submitted all the original documents to claim compensation. However, the second respondent issued notice stating that the Plot No.125B is comprised in Survey No.18/13A and not comprised in Survey No.19/5, as stated in the sale deed.

4. A perusal of the sale deed, dated 03.09.2001, the schedule categorically mentioned as Plot No.125B comprised in Survey No.19/5, No.174, Vadacal A, Palanallur Village, ad-measuring 1200 sq.ft.

5. However a perusal of the counter filed by the second respondent revealed that the Plot No.125B actually lies in the land comprised in Survey No.18/13A. The third respondent who sold the said plot to the petitioner had not purchased the land comprised in Survey No.18/13A and as such the third respondent had no right or title over the subject property to sell the said land. Therefore, the land comprised in Survey No.18/13A does not correlate with Survey No.19/5, which was purchased by the petitioner.

6. Considering the above, the petitioner is directed to appear before the second respondent with all original deeds in respect of the subject property comprised in Plot No.125-B, Survey No.19/5, Village No.174, Vadacal A, Sriperumbudhur Taluk. On receipt of the same, the second respondent is directed to issue notice to the third respondent and conduct enquiry and pass orders to pay compensation to the petitioner, within a period of four weeks thereafter.



7. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

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Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram.
2. The Special Tahsildar,
Unit -1,
SIPCOT, Sriperumbudhur,
Scheme - 2,
Sriperumbudhur.

+1cc to M/s.S.Shyamala, Advocate, S.R.No.65621

+1cc to the Government Pleader, S.R.No.66093

W.P.No.9510 of 2014

GSM(CO)
SU(28/12/2021)