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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18213 of 2021

P.Boominathan

...Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Special Tahsildar (Land Acquisition),
TIDCO, No.56, Abdul Kalam Asad Street,
Minjur,
Thiruvallur District - 601203.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 17.02.2021, which is subsequent to earlier representation dated 14.09.2018.

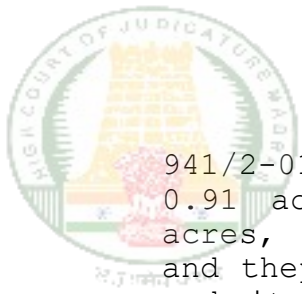
For Petitioner : M/s.R.Radha Pandian

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

ORDER

This Writ Petition has been filed to direct the respondents to consider the petitioner's representation dated 17.02.2021, which is subsequent to earlier representation dated 14.09.2018.

2. The case of the petitioner is that the petitioner, his brothers namely P.Padmanaban, P.Meganathan and P.Manivannan and his sisters namely P.Prabavathi, Ponmozhi and Gomathi Sudesh, are the owners of properties situating at Kattur Village, Ponneri Taluk, Thiruvallur District in Survey Nos.942/2-02.34 acres, 942/1A-02.00 acres, 942/3-0.58 acres, 942/4-01.42 acres,



941/2-01.67 acres, 941/1A-0.33 acres, 941/2-0.08 acres, 942/4-0.91 acres, 941/4-01.70 acres, 942/1B-0.30 acres, 941/3-01.84 acres, 942/2-0.16 acres, 942/3-02.00 acres, totally 15.33 acres and they were in possession and enjoyment of the said properties and it was used for cultivation. While so, the Government of Tamilnadu had published a notification in daily news paper on 27.08.2016 that they had a proposal to acquire the lands for Industrial purpose at Kattur Village and other area situating at Ponneri Taluk including the above said properties and thereby, on 19.09.2016, the petitioner's sisters namely P.Prabavathi and Gomathi Sudesh had given a written objections in respect of their entire properties i.e. 15.33 acres, situating at Kattur Village to the respondents and thereafter, the respondents prevented them and other adjacent land owners to use the same for cultivation, since the respondents had taken over the said lands under their control. Subsequently, on 03.04.2018, the respondents published the said acquisition proceedings in Tamil Nadu Government Gazette as per G.O.Ms.36, Industries (MIE-1) and they issued notice to the petitioner on 11.07.2018 vide proceedings in Na.Ka.02/2016/A1 to appear before the Revenue Divisional Officer, Ponneri on 26.07.2018. Accordingly, the petitioner along with his brothers and sisters had appeared before the Revenue Divisional Officer, Ponneri and given their submissions and representations to them, while they requested and emphasized them to give fair compensation with analysing all aspects particularly present prevailing market value to be fixed with considering the growth and development of surrounding circumstances in and around the said area. But, no action was taken by the respondents for awarding compensation to them and thereby, the petitioner incurred heavy loss and subsequently, he along with his brothers and sisters had given a representation to the respondents on 14.09.2018, but they neither considered nor replied on it. On 17.02.2021, the petitioner alone made another representation which was duly served to the respondents and thereafter, he went and met the 2nd respondent directly and gave several representations to them, but so far no fruitful result is given to them and hence, he has approached this Court by filing this Writ petition.

3. The learned counsel appearing for the petitioner would submit that as per G.O.Ms.No.36 Industries (MIE-1) Department dated 26.02.2015, the petitioner's lands have been acquired by the Government long back, but still the petitioner has not been paid any compensation for the same. Further, she would submit that the petitioner has already given a representation to the respondents in this regard, but the respondents have not considered his representation so far.

4. The Learned Government Advocate appearing for the respondents would submit that the petitioner's representation



has been considered by the respondents and a proposal, in this regard, has also been sent to the Government for appropriate orders, and the respondents will pass award as soon as they received orders from the Government.

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5. The Learned Government Advocate has also produced a copy of the letter dated 03.09.2021 in Rc.2/2016/A3 sent by the Special Tahsildar, 1st respondent herein, wherein, it is stated that the Government vide G.O.Ms.No.13 Industries (SIPCOT-LA) Department dated 21.02.2018 have issued orders for the determination of final amount of compensation to the land owners by applying the multiplier factor in the Tamilnadu acquisition of land for Industrial purposes act-1997 (Tamilnadu act 10/99) by virtue of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013). The District Collector, Tiruvallur has delegated powers to the Revenue Divisional Officer, Ponneri to conduct an enquiry under Section 7(2) and to proceed with further land acquisition process. Based on that the tentative valuation proposal has been prepared after obtaining the sales statistics from the Sub Registrar/Ponneri and sent to the Revenue Divisional Officer, Ponneri on 02.07.2018 for approval of land value. After that 7(2) enquiry has been conducted by the Revenue Divisional Officer, Ponneri on 26.07.2018 and at that time, the tentative land value has been informed to all the land owners. Subsequently, the District Valuation Committee has recommended for revision of Guideline value as Rs.12,00,000/- per Acre on 28.05.2020, since 1/3rd area of lands under acquisition in Kattur Village are having the guideline value of Rs.100/- per sq.ft. The Central Valuation Committee has also approved the above revision of guideline value on 20.07.2020 by giving effect from the date of 29.08.2016. But the 3(2) publication was made on 27.08.2016 and hence the District Collector, Tiruvallur has addressed to I.G of Registration on 08.01.2021 for the change of date as 27.08.2016 (date of 3(2) publication) instead of 29.08.2016. The Central Valuation Committee has convened a meeting on 05.08.2021 and approved the proposal for the change of date along with the revision of guideline value as Rs.12,00,000/- per Acre instead of Rs.100/- per sq.ft. in Kattur Village and the minutes of the meeting has been sent to the Government for their approval on 10.08.2021 by the Inspector General of Registration. As on date the approval of Government for the revised guideline value with effect from 27.08.2016 is awaited. Moreover, separate process could not be done for the petitioner's land alone since it is surrounded by other patta lands for which Government orders is awaited. Soon after getting orders from the Government, the valuation for the lands proposed in Kattur Village will be approved by the District Collector, Tiruvallur and further action will be taken for passing of award in respect of Kattur Village including the



petitioner's land.

6. Taking into consideration the fact that the petitioner's lands have been acquired by the Government long back, but still he has not been paid any compensation for the same and also of the fact that the Government is making delay in paying the compensation to the petitioner's land and other patta lands which is surrounded by the petitioner's land, this Court hereby directs the District Collector, 1st respondent herein, to move the Government for speedy orders immediately within four weeks on payment of compensation to the petitioner and other similar persons, and pay the compensation within a period of six months from the date of receipt of a copy of this order, as they have lost their valuable lands and suffering without even getting any compensation from the Government till date.

7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

raja

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Special Tahsildar (Land Acquisition),
TIDCO, No.56, Abdul Kalam Asad Street,
Minjur, Thiruvallur District - 601203.

+1cc to Mr.R.Radha Pandian, Advocate, S.R.No.45931

+1cc to the Government Pleader, S.R.No.45891

W.P.No.18213 of 2021

PCH(CO)
RGA(20/10/2021)