



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.18398 OF 2020

N.Gurumurthy
S/o.Late Natesan

... Petitioner

Vs.

1. The District Collector,
Kanchipuram Dt.,
Collectorate Campus,
Kanchipuram-631 501.
2. The Special Tahsildar,
SIPCOT LA Oragadam Expansion
Scheme Unit-1, Pillai Pakkam,
Sriperumbudur Taluk,
Kanchipuram - 602 105.

... Respondents

PRAYER:-

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for the records pertains to the impugned order of the 1st respondent dated 14.09.2019 vide Proceedings Na.Ka.7/2007/A-1/B-8, quash the same and consequently direct the respondents to pay the balance compensation amount of Rs.19,87,723.50/- to the petitioner within time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.J.Ramakrishnan

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



O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed challenging the order passed by the 1st respondent District Collector, refusing to enhance the compensation sought by the petitioner.

2. The grievance of the petitioner is that, the petitioner's lands are acquired for SIPCOT Oragadam Expansion Scheme, in the year 2007 under the Tamil Nadu Acquisition of Land for Industrial Purposes Act (hereinafter called as 'Act'). At the time of acquisition, the petitioner has entered into an agreement with the 2nd respondent for payment of compensation under Sec.7(2) of the Act. During negotiation, the respondent has offered for Rs.2,50,000/- per ground and the petitioner has also agreed for that, and the petitioner was under the impression that, negotiation was arrived for Rs.2,50,000/- per ground. Subsequently, the 2nd respondent had obtained some signature in the agreement and stamp papers, believing them that, the compensation was fixed as Rs.2,50,000/-, he has signed all the documents. However, at the time of payment of compensation, he came to know that land value was fixed only for Rs.1,50,000/- per ground. Hence, he has raised his objection, however, under protest, he has received the amount. Thereafter, he has approached the authority seeking for enhancement and pay the compensation at the rate of Rs.2,50,000/- per ground. But, the petitioner's request has been negated on the ground that, the award was passed based on the private negotiation and the petitioner has agreed for Rs.1,50,000/- per ground. Hence, the petitioner's request cannot be accepted. Now, challenging the same, the present Writ Petition has been filed by the petitioner.

3. Mr.J.Ramakrishnan, learned counsel appearing for petitioner would submit that, the petitioner has entered into the agreement with the 2nd respondent only on the ground that, they are paying the compensation amount at the rate of Rs.2,50,000/- per ground. During negotiation also, it was the offer made by the 2nd respondent. Subsequently, he came to know that they have mentioned a sum of Rs.1,50,000/- only in the agreement. Believing the words of authorities, the petitioner had signed in the stamp papers produced by the authorities and by fraud and by misrepresentation, the authorities have reduced the compensation. According to him, he is entitled to get compensation at the rate of Rs.2,50,000/- per ground.

4. Mr.K.M.D.Muhilan, learned Government Advocate appearing for respondents 1 and 2 would submit that, the compensation paid on the private negotiation arrived between the petitioner and



the 2nd respondent under Sec.7(2) of the Act. During negotiation, the petitioner had agreed for a sum of Rs.1,50,000/- per ground and also signed the agreement in Form-F. Based on that, the petitioner has also received the compensation amount in the year 2011, subsequently, interest amount was also paid in the year 2013. After seven years, the petitioner has filed a Writ Petition alleging that the agreement has been entered on misrepresentation without any reason whatsoever. The learned Government Advocate has also produced original records containing the affidavit filed by the petitioner and the copy of the agreement.

5. Heard the rival submissions made by both learned counsel appearing for petitioner as well as learned Government Advocate appearing for respondents and perused the records.

6. Admittedly, on a private negotiation, the compensation amount has been paid under Sec.7(2) of the Act. On perusal of original records, it could be seen that, an agreement was entered into between the petitioner and the 2nd respondent on 30.03.2011. The petitioner has also signed in the agreement in Form-F under Rule 10, of Tamil Nadu Acquisition of Land for Industrial Purposes Rules. On perusal of agreement, it could be seen that, the compensation amount has been fixed at Rs.1,50,000/- per ground, wherein both the petitioner and the acquisition officer signatures have been found. Thereafter, the petitioner has also filed a statement in a stamp paper on 11.09.2013 for receipt of compensation amount and also receipt of balance amount, the petitioner has also given an undertaking in the affidavit that, he will not go to civil court seeking for any further compensation. Pursuant to the agreement, the compensation amount has been received by the petitioner in the year 2013 itself.

7. Now, it is the contention of petitioner that, on misrepresentation, the authorities have obtained a signature fixing the market value at Rs.1,50,000/- per ground instead of Rs.2,50,000/- per ground, which was offered by the 2nd respondent. That contentions cannot be accepted at this stage. On perusal of records, it could be seen that, the petitioner has only signed in the agreement in Form-F in the year 2011 and thereafter, he has also received the entire amount and filed an affidavit in the year 2013 itself as stated above. It is not the case of the petitioner that, those documents were forged and the authorities have not manipulated the records. The only contention of the petitioner that, the authorities have obtained signatures from the petitioner on misrepresentation and they have committed fraud. In that circumstances, the only remedy available to the petitioner is to approach a civil court and prove the same with acceptable evidence, and the same cannot be



decided in a Writ Petition. The 1st respondent after considering entire materials, has rightly rejected the petitioner's application and I find no illegality or irregularity in the order passed by the 1st respondent. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The District Collector,
Kanchipuram Dt.,
Collectorate Campus,
Kanchipuram-631 501.
2. The Special Tahsildar,
SIPCOT LA Oragadam Expansion
Scheme Unit-1, Pillai Pakkam,
Sriperumbudur Taluk,
Kanchipuram - 602 105.

+1cc to Mr.J.Ramakrishnan, Advocate, S.R.No.32069

W.P.NO.18398 OF 2020

UM(CO)
PBS/03/08/2021