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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.22432 OF 2021

S.Martin

... Petitioner

Versus

1. The Secretary,
Industries (SIPCOT-LA) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Managing Director,
SIPCOT, Egmore,
Chennai - 600 008.
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The Special Tahsildar (L.A),
SIPCOT,
Irungattukottai and Sriperumbudur Scheme,
Pillaipakam, Sriperumpudhur Taluk,
Kancheepuram District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to refer the matter to the Civil Court for determination of Adequate Compensation considering the prevailing market value for the company's lands acquired by the Government under Section 8 and 10(3) of the Tamil Nadu Acquisition of the Land for Industrial Purposes Act 1997 (Act No.10 of 1999).

For Petitioner : Mr.J.Sathiaraj

For Respondents 1 & 3 : Mr.V.Veluchamy
Government Advocate

For Respondents 2 & 4 : Mr.M.Karthikeyan
Standing Counsel for SIPCOT



O R D E R

This writ petition is filed for the issuance of a writ of mandamus directing the respondents to refer the matter to the Civil Court for determination of Adequate Compensation considering the prevailing market value for the company's lands acquired by the Government under Section 8 and 10(3) of the Tamil Nadu Acquisition of the Land for Industrial Purposes Act 1997 (Act No.10 of 1999).

2. The case of the petitioner is that he purchased the properties situated at Mambakkam Village, Sriperumpudur Taluk, Kancheepuram District bearing Survey Nos.119/4, 119/7A1, 119/8, 119/9, 119/10, 121/2, 121/4, 121/6C, 121/6E, 121/6F, 122/4A, 122/5, 123/4, 123/7A, 124/4, 124/6, 124/7, 124/8, 124/9B, 124/14A, 124/16, 125/1B, 126/6, 128/1, 128/6, 128/7, 129/5, 129/6, 129/7, 132/3, 149/2, 149/3A & 149/3B admeasuring about 21.95 Acres through various sale deeds registered on the file of the Sriperumbudur and Sunguvarchatram Sub Registrar Offices. It is stated that subsequent to the purchases, the petitioner have made all the necessary mutations in his name in the revenue records and paying all taxes/kist to the Government.

3. It is stated that in the year 2008, the Government of Tamil Nadu has granted permission by virtue of G.O.No.1 & G.O.No.138, Industries (SIPCOT-Land Acquisition) Department dated 08.07.2008 to acquire the lands in mambakkam Village for establishing the SIPCOT Sriperumpudur and Irungattukottai Scheme. It is further stated that the first respondent had issued notice under Section 4(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, to surrender the possession of lands. On 25.05.2015, the fourth respondent had issued notice under Section 7(5) and 7(7) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, directing the petitioner to appear in person and to put in a statement with respect to the interest in the property, the amount payable for the same with the particulars thereof and to submit details. It is stated that though the petitioner have submitted his detailed submissions raising objections for such acquisition proceedings, the respondents have not considered the same. It is further stated that without considering the petitioner's submissions, the respondents have took possession of the petitioner's land. It is further stated that totally five awards have been passed in respect of the properties except the property in S.F. Nos.128/1, 128/6 and 128/7 by the fourth respondent and the same was received by the petitioner with a request to refer the matter to the Court. It is contended that the respondents have arbitrarily fixed different types of value viz., Rs.10,00,000/- per acre, Rs.24,50,000/- per acre and



Rs.35,50,000/- per acre even though the lands were acquired for the very same purpose and within same vicinity. The total awarded amount being the sum of Rs.20,30,36,987/- was paid to the petitioner only during August 2021. In respect of lands admeasuring S.F. Nos.128/1, 128/6 and 128/7, compensation is not paid to the petitioner. It is stated that the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013 came into force from 01.01.2014 and therefore, the respondents are duty bound to decide the compensation based on the new Act since the fourth respondent has issued notification in the Tamil Nadu Government (Extraordinary) Gazette only on 2014 and the notices were issued to the petitioner for acquiring his land. It is stated that the respondents have fixed small amount as compensation which has been fixed without considering the parameters. Aggrieved by the same, left with no other alternative remedy, the petitioner approached this Court by way of filing this writ petition.

4. Learned counsel for the petitioner submitted that while determining the amount of compensation, the respondents have failed to consider the fact that the lands are situated very closer to the National Highways with various infrastructures which requires special attention. However, for other lands which is very far and interior from the petitioner's land have been awarded higher compensation. He further submitted that though the petitioner has submitted a representation to the third respondent on 04.09.2021, to refer the matter to Court, there was no response for the said representation. Hence, the learned counsel for the petitioner seeks direction to direct the respondents to refer the matter to the Civil Court for determination of adequate compensation.

5. Learned Counsel appearing for the respondents submitted that this Court may direct the respondents to consider the petitioner's representation and the same may be considered by the respondents within a stipulated time.

6. It is seen that the compensation granted, as alleged by the petitioner, is meagre by not considering the prevailing market value for the petitioner's land acquired by the Government under Section 8 and 10(3) of the Tamil Nadu Acquisition of the Land for Industrial Purposes Act 1997 (Act No.10 of 1999). Considering the facts and circumstances of the case, this Court directs the third respondent to consider the petitioners' representation dated 04.09.2021 and dispose of the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and refer the matter to the competent Civil Court.



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7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Industries (SIPCOT-LA) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Managing Director,
SIPCOT, Egmore,
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4. The Special Tahsildar (L.A),
SIPCOT,
Irungattukottai and Sriperumbudur Scheme,
Pillaipakam, Sriperumpudhur Taluk,
Kancheepuram District.

+1cc to Mr.J.Sathiaraj, Advocate, S.R.No.54773
+1cc to the Government Pleader, S.R.No.55089

W.P.NO.22432 OF 2021

SSI (CO)
PBS/05/01/2022