



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. NO.22420 OF 2021

AND

W.M.P. NO.23665 OF 2021

E.Tamilselvi

.. Petitioner

Versus

1. The Managing Director (SIPCOT),
State Industries Promotion Corporation of Tamilnadu,
19A, Rukmani Lakshmipathi Road,
Egmore, Chennai.
2. The District Collector,
O/o.District Collectorate,
Tiruvallur District,
Tiruvallur.
3. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Ponneri, Tiruvallur District.
4. The Special Tahsildar,
SIPCOT Project Office,
Gummidipoondi,
Tiruvallur District.
5. The President,
Manallur Village Panchayat,
Gummidipoondi Taluk,
Tiruvallur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the respondents to allot alternative land to the petitioner for cultivation and to award suitable compensation to the petitioner in the event of acquiring land comprised in S.No.274, Manallur Village, Gummidipoondi Taluk, Thiruvallur District.



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For Petitioner : Mr.R.Chandrasekaran
For Respondents : Mr.S.Girish
Standing Counsel for R1
Mr.V.Veluchamy
Government Advocate for R2 to R5

ORDER

This writ petition is filed for the issuance of a writ of mandamus directing the respondents to allot alternative land to the petitioner for cultivation and to award suitable compensation to the petitioner in the event of acquiring land comprised in S.No.274, Manallur Village, Gummidipoondi Taluk, Thiruvallur District.

2. The case of the petitioner is that her mother one Sadaiyammal purchased the land comprised in S.No.274 to an extent of 36 acres, situated at Manallur Village, Gummidipoondi Taluk, Tiruvallur District, from one Duraisamy, by virtue of a sale deed executed on 29.01.1985. It is stated that the petitioner's father was cultivating the said land and has been paying land tax, kist etc., without any default. It is further stated that after the death of petitioner's father, the petitioner is cultivating the land and the family of the petitioner are in possession and enjoyment of the said land. Hence, the petitioner made a representation on 06.06.2021 to the third respondent requesting grant of patta in favour her family members. It is stated that the Commissioner of Adi Dravidar, Chennai - 5, has forwarded the petition to the District Collector, Tiruvallur, the second respondent herein, in Na.Ka.No.A2/17855/2021 dated 07.07.2021, and the same is under consideration by the revenue authorities till date. It is stated that the first respondent has issued notice on 04.06.2018 regarding acquisition of land of the petitioner. It contended by the petitioner that without following the procedure under Section 9(3) and 10 of the Land Acquisition Act, notice was issued to the petitioner. Hence, the petitioner filed this present writ petition.

3. Learned counsel for the petitioner submitted that the respondents did not follow any procedure as established by the Land Acquisition Act before issuing notice dated 04.06.2018 and no notice under Section 9(3) and 10 of the Land Acquisition Act, was issued to the petitioner and her family members. He further submitted that only after due notice to the land owners, compensation amount can be determined and award can be passed.

4. Learned Government Advocate appearing for the respondents 2 to 5 submitted that this Court may direct the respondents to



either allot an alternative land or to award suitable compensation to the petitioner, and the respondents shall consider the same.

5. Considering the facts and circumstances of the case, this Court is not inclined to allot alternative land to the petitioners. Hence, this Court directs the respondents to consider the representation of the petitioner dated 06.06.2021, only with regard to award of suitable compensation to the petitioner and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director (SIPCOT),
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19A, Rukmani Lakshmipathi Road,
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5. The President,
Manallur Village Panchayat,
Gummidipoondi Taluk,
Tiruvallur District.

+1cc to Mr.R.Chandrasekaran, Advocate, S.R.No.54035

+1cc to Mr.SU.Srinivasan, Advocate, S.R.No.54095

W.P. No.22420 of 2021

AD(CO)

RLP(10/01/2022)