



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.22732 of 2021

T.Chokkalingam

...Petitioner

Versus

1. The District Collector,
Cheyyar, Kancheepuram Road,
Gandhi Nagar, Thaiyar Kulam,
Kancheepuram - 631 501.

2. The Managing Director,
Industries SIPCOT-L.A. Department,
No.19A, Rukmani Lakshmi pathy Road,
Egmore, Chennai - 600 008.

3. The Special Tahsildar (LA)
Mannur Valarpuram Nemili Scheme,
SIPCOT Project Office, INDL Park (First Floor),
Sriperambudur Taluk,
Kancheepuram District-602 105.

...Respondents

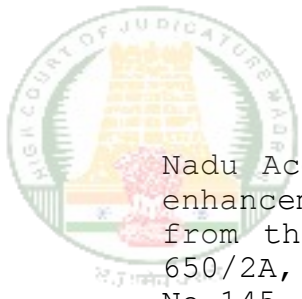
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent herein to refer the matter to the competent Court, as per Section 8 of the Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997, for enhancement of compensation for land acquired from the petitioner, situated at in Survey Nos.542/B/4, 542B/6B and 650/2A, measuring to an extent of 2400 Sq.ft., earmarked as Plot No,145 in the approved layout" Poonamallee, Mannur Vijayam, Sowbagya Co-operative Maha Nagar, Sriparumbudur Taluk, Kancheepuram District within a time frame fixed by this Court.

For Petitioner : Mr.R.Sarguna Raj

For RR1 to 3 : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the 3rd respondent herein to refer the matter to the competent Court, as per Section 8 of the Tamil



Nadu Acquisition of land for Industrial purposes Act, 1997, for enhancement of compensation with regard to the land acquired from the petitioner comprised in Survey No.542/B/4, 542B/6B and 650/2A, measuring to an extent of 2400 Sq.ft., earmarked as Plot No,145 in the approved layout" Poonamallee, Mannur Vijayam, Sowbagya Co-operative Maha Nagar, Sriparumbudur Taluk, Kancheepuram District within a time frame fixed by this Court.

2. The petitioner is the absolute owner of the aforesaid property under a registered sale deed dated 10.07.2006 vide Doc.No.11623/2006 on the file of Sub Registrar, Sriperumpudur. Based on the G.O.(Ms).No.61, dated 20.03.2015, the aforesaid land has been acquired by the Government of Tamil Nadu under The Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 with The Tamil Nadu Acquisition of Land For Industrial Purposes Rules, 2001. After completion of land acquisition proceedings, the petitioner has received a sum of Rs.42,70,672/- has been transferred to his bank account, and it was found the compensation granted by the Government of Tamil Nadu is only 2/3rd of the actual amount requested by the petitioner. Aggrieved by the decision determining the compensation by the 3rd respondent as it was very meager and it was not calculated as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Therefore, the petitioner sent various representations before the respondents, but, till date, the same was not duly considered and further the 3rd respondent herein did not refer the matter to the Competent Court as per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 for enhancement of compensation for lands acquired from the petitioner. Therefore, the petitioner made another representation vide letter dated 25.12.2020 to the 3rd respondent seeking for the reason for not disbursing his 1/3rd compensation amount. Hence, the petitioner has come forward with the present writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's representations 25.12.2020, 23.01.2021, 04.02.2021, 22.07.2021, 23.07.2021 and 13.08.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a



direction to the respondents to consider the petitioner's representations 25.12.2020, 23.01.2021, 04.02.2021, 22.07.2021, 23.07.2021 and 13.08.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner within a period of sixteen weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gba/msm

To

1. The District Collector,
Cheyyar, Kancheepuram Road,
Gandhi Nagar, Thaiyar Kulam,
Kancheepuram - 631 501.
2. The Managing Director,
Industries SIPCOT-L.A. Department,
No.19A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.
3. The Special Tahsildar (LA)
Mannur Valarpuram Nemili Scheme,
SIPCOT Project Office, INDL Park (First Floor),
Sriperambudur Taluk,
Kancheepuram District - 602 105.

+2cc to M/s.R.Sargunaraj, Advocate, S.R.No.54518

W.P.No.22732 of 2021

EV(CO)
RGA(30/11/2021)