



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.28433 of 2019

Kolli Penchala Reddy,
S/o. Chandraseekarreddy

... Petitioner

Vs

1. The Government of Tamil Nadu
rep. by its Secretary Industries Department,
Fort St. George, Chennai.
2. The Special Tahsildar,
(Land Acquisition) SIPCOT,
Sriperumbadur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the compensation for the land acquired in Plot No.437, Survey No.992 measuring an extent of 0.55 hectares, situated at Sarathi Nagar, Irrungattukottai Village, Sriperumbur.

For petitioner

... Mrs. K.Abirame,
for M/s.V.Raghavachari

For respondents

... Mr. Yogesh Kannadasan
Government Advocate
for R1

... Mr. S.Girissh, for R2

ORDER

This writ petition has been filed seeking a direction to the respondents to disburse the compensation payable to the petitioner.

2. According to the petitioner, a property to an extent of 0.55 hectares in survey No.992, in Sarathi Nagar, Irrungattukottai Village, Sriperumbur was purchased by the petitioner's wife on 25.11.1994 through a sale deed and right



from the purchase , they are in possession and enjoyment of the property. Earlier, the petitioner's lands were acquired under the land acquisition Act for SIPCOT Industrial Estate. Thereafter, an award was passed in the year 2000 and so far the award amount has not been paid. Hence, the present writ petition has been filed seeking for payment of compensation.

3. The 2nd respondent/Special Tahsildar(Land Acquisition) filed a counter affidavit stating that an award enquiry was conducted on 10.10.1996 and the petitioner's wife Tmt. Koli Renuga appeared for enquiry and thereafter, an award was passed and award amount has been disbursed to one Sathyanarayanan, power of Attorney of the petitioner's wife. Now, on the application filed by them, award was also referred under Section 18 of the Act and the matter is pending in LAOP No.275 of 2001 before the Fast Track Court, Poonamallee.

4. The learned counsel for the petitioner would submit that the petitioner's wife one Koli Renuga was the owner of the property and she only appeared for the award enquiry and after passing of the award she died. Thereafter, the petitioner, being sole legal representative, appeared before the respondents, seeking for compensation amount. But, the amount has not been paid, so far. Now, it is stated that the compensation amount has been paid to the Power of Attorney of his wife. During the life time, petitioner's wife did not give any power of attorney.

5. Considering the above circumstances, on 01.07.2021, this Court directed the Special Tahsildar to appear before this Court.

6. Today, the Special Tahsildar(Land Acquisition), SIPCOT, appeared before this Court and submitted that since no one has come forward to receive the award amount and time has also been lapsed, the award amount has been deposited in the Treasury, Sriperumbudur. He has also submitted that due to oversight, it has been stated in the counter that the amount has been paid to the Power of Attorney of petitioner's wife. He further submitted that `now, the matter has been referred under Section 18 of the Land Acquisition Act and the same is pending. He has also submitted that since the award has been passed 20 years ago, the amount was deposited in the Treasury and the Tahsildar should get permission from the Government and hence, he seeks time.

7. Considering the submission made by the 2nd respondent/Special Tahsildar, that the amount is already deposited in the treasury, the petitioner is directed to appear before the 2nd respondent and file necessary application along



with relevant document to prove his title seeking for payment of compensation. On filing such application, the 2nd respondent is directed to consider same and pass suitable orders on merits and in accordance with law. The above exercise shall be completed within a period of three(3) months from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Secretary Industries Department,
The Government of Tamil Nadu
Fort St. George, Chennai.
2. The Special Tahsildar,
(Land Acquisition) SIPCOT,
Sriperumbadur.

+lcc to M/s.V.Raghavachari, Advocate, S.R.No.35797
+lcc to the Government Pleader, S.R.No.36284

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PMK(CO)
HS(24/08/2021)