

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.3412 OF 2022

R.Saravanan

... Petitioner

.Vs.

1. The District Collector,
Kancheepuram,
Industries SIPCOT - LA Department,
Kancheepuram - 602 105.
2. The Special Tahsildar (LA),
Mannur Valarpuram Nemili Scheme,
SIPCOT Project Office,
INDL Park (First Floor),
Irungattukottai, Pennalur Post,
Sriperumpudur Taluk,
Kancheepuram - 602 105.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to refer the matter to the competent court as per section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the petitioner further humbly prays that this Hon'ble Court may be pleased to direct the second respondent to issue the copy of the award to the petitioner.

For Petitioner : Mr.A.P.Loganathan

For Respondents : Mr.C.Kathiravan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to refer the matter to the competent Court as per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and

to direct the second respondent to issue the copy of the award to the petitioner.

2. The learned counsel appearing for the petitioner submitted that the petitioner's land was acquired by the Government under the Tamil Nadu Acquisition of the Land for Industrial Purposes Act, 1997, however, copy of the award was not given to the petitioner and fair compensation was not paid to the petitioner.

3. The learned Special Government Pleader appearing for the respondents submitted that award was passed on 04.03.2019 and the petitioner received the compensation on 31.12.2021, however, till date, the petitioner has not made any application seeking enhancement of compensation in terms of Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

4. Heard the arguments advanced on either side and perused the materials available on record.

5. Admittedly, the petitioner's land was acquired by the Government under the Tamil Nadu Acquisition of the Land for Industrial Purposes Act, 1997 and Section 3(1) Notification was also published in the Tamil Nadu Government Gazette. Thereafter, award was passed on 04.03.2019 and compensation was paid to the petitioner on 31.12.2021. As per Section 8 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, if a person is aggrieved by the compensation amount, the person may make application to the Collector to refer the matter to the competent Court for re-determination of the compensation amount, within a period of 60 days from the date of receipt of the compensation amount. In the present case, though the award was passed on 04.03.2019, compensation was paid to the petitioner only on 31.12.2021.

6. In view of the above, this Court permits the petitioner to make appropriate application before the District Collector, within a period of two weeks from the date of receipt of a copy of this order. If any such application is made by the petitioner, the concerned District Collector, without any further delay, shall refer the matter before the competent Court for re-determination of the compensation amount. Such an exercise shall be completed within a period of six weeks from the date of receipt of the application.

7. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram,
Industries SIPCOT - LA Department,
Kancheepuram - 602 105.
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NRJK(CO)
PBS/23/03/2022