



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8148 of 2022
and WMP.No.8137 of 2022

Mrs.Latha

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Kanchipuram.
- 2.The Special District Revenue Officer (LA),
Sriperumbadur Oragadam and Expansion,
Scheme II, Sriperumbadur.
- 3.The Special Tahsildar (Land Acquisition),
SIPCOT Unit III,
Sriperumbudur Development Scheme II,
Sriperumbudur.
- 4.The Managing Director, SIPCOT,
No.19A, Rukmani Lakshmipathy Road,
Egmore, Chennai 88.

... Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus call for the records pertains to the impugned order passed by the 3rd respondent bearing reference No. Na.Ka.16/2010 /UNIT-3 Block 4 dated 15.12.2015 and quash the same in so far as the petitioner is concern as illegal consequently direct the respondents to refix the compensation to the petitioners acquired land bearing Plot No.6 7 and 8 to an extent of 6400 sq.ft at Survey No. 159/2 at VGP Vinoth Town Part II situated at No.174, Vadakkal Village, Sriperumbudur Taluk, Chengalpet District, as per The Right to Fair Compensation and transparency in land Acquisition Rehabilitation and resettlement Act, 2013 and pay the same with the interest



For Petitioners : Mr.P.R.Thiruneelakandan

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

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O R D E R

The petitioner has filed this petition for issuance of Writ of Certiorarified Mandamus to call for the records pertains to the impugned order passed by the 3rd respondent and quash the same and consequently direct the respondents to refix the compensation to the petitioners acquired land bearing Plot Nos.6, 7 and 8, to an extent of 6400 sq.ft at Survey No. 159/2 at VGP Vinoth Town Part II, situated at No.174, Vadakkal Village, Sriperumbudur Taluk, Chengalpet District, as per The Right to Fair Compensation and Transparency in land Acquisition Rehabilitation and Resettlement Act, 201

2. The case of the petitioner is that the petitioner is an absolute owner of the land bearing Plot No.6 7 and 8 to an extent of 6400 sq.ft at Survey No. 159/2 at VGP Vinoth Town Part II situated at No.174, Vadakkal Village, Sriperumbudur Taluk, Chengalpet District and in the year 2011, the respondents herein acquired the above said land for SIPCOT unit III Sriperumbudur Development Scheme 2 and issued notification dated 16.12.2011 under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial purpose Act, 1997 and thereafter taken over the physical possession of the said property and an award dated 15.12.2015 was also passed, wherein a sum of Rs.320 per sq.ft was fixed. However, the petitioner had no knowledge about the acquisition of land and the respondents also did not pay the compensation. Further, the petitioner was denied payment of compensation on dubious claim made by the Sundaram Finance, alleging that one K.Prabhu, mortgaged the said property under the memorandum of deposit of title deed, with the Sundaram Finance and availed loan for a sum of Rs.6 crore and failed to repay the same. While such being the position, the respondents referred the matter to the Subordinate Court, Kanchipuram, to decide the title dispute, in which the respondents deposited a sum of Rs.235 sq.ft as compensation for the acquired land for about 42 land owners. In the meanwhile, the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013, came into force and it is alleged by the petitioner that as per Section 24 of the Right to Fair Compensation Act, 2013, if the compensation was not paid the acquisition under the old Act become lapsed and the



land owners are entitled to compensation in terms of land acquisition New Act, 2013. However, without following the said provision of the Right to Fair Compensation Act, the award was passed on 15.12.2015 and the respondents fixed the compensation for the petitioner's land at the rate of Rs.235/- per sq.ft and paid under the Old Act, instead of following the provisions laid under the Right to Fair Compensation, 2013 (New Act). Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the respondents to refer the matter before the competent Civil Court for determination of the fair compensation amount in terms of Section 64 of the Right to Fair Compensation, 2013.

4. The learned Government Advocate appearing for the official respondents submitted that since there was a property dispute in between the petitioner and the Sundaram Finance on an earlier occasion, the aggrieved parties filed Writ Petition before this Court in W.P.No.3984/2014 and 14772/2014 and this Court by order dated 25.02.2015, directed the respondents 1 and 2 therein to give notice to the petitioner K.Prabhu and the respondents 4, 6 to 10 and determine the compensation, after hearing the above referred parties in respect of the lands which has been acquired and since there is a dispute with regard to the title of the land, the respondents are directed to invoke the provisions of Section 9(2) and 10(3) of the Tamil nadu Acquisition of Land for Industrial Purposes Act, 1997, by referring the dispute for the decision of the competent Civil Court and in compliance of the said order, the authority deposited the entire compensation amount of Rs.2,71,54,250/-, on the file of the Sub Court, Kanchipuram and the said order was communicated to the petitioner. However, the petitioner instead of approaching the competent Civil Court, has filed the present Writ Petition, which is not sustainable and hence prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. Admittedly, the petitioner's land was acquired by the respondents under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, for the purpose of setting up of industrial complex by SIPCOT and the award was passed on 15.12.2015. The grievance of the petitioner is that the award was not passed in terms of the Right to Fair Compensation Act, 2013, however it has been passed in terms of the Tamil Nadu



Acquisition of Land for Industrial Purposes Act, 1997, and the matter was referred before the competent Civil Court for fixation of compensation and aggrieved by the award amount, the writ petitions were filed by the land losers in W.P.No.3984 and 14772/2015 and this Court by order dated 25.02.2015, held that since there is a dispute with regard to the title of the land, the respondents are directed to invoke the provisions of Section 9(2) and 10(3) of the Tamil nadu Acquisition of Land for Industrial Purposes Act, 1997, by referring the dispute for the decision of the competent Civil Court and due to which, the matter has been referred under the above said provisions before the Sub Court, Kanchipuram and it is pending.

7. In view of the above facts and circumstances, the petitioner is permitted to participate in the proceedings before the Sub Court, Kanchipuram, and the said Court is directed to provide adequate opportunity to the petitioner and pass appropriate orders, without being influenced by any of the earlier orders, including the impugned order, after hearing the necessary parties, and further liberty is also granted to the petitioner to canvass all the points including for claiming compensation under the Rights to Fair Compensation Act, 2013

8. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

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To

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- 2.The Special District Revenue Officer (LA),
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Sriperumbadur.



4.The Managing Director, SIPCOT,
No.19A, Rukmani Lakshmipathy Road,
Egmore, Chennai 88.

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Copy to: The Subordinate Judge,
Kanchipuram.

+1cc to the Government Pleader, SR.No.24109

W.P.No.8148 of 2022

PMK (CO)
CB (21/04/2022)