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W.P.Nos.25372 and 25373 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.25372 and 25373 of 2013

in

M.P.Nos.2 and 3 of 2013

in W.P.No.25372 of 2013

and

M.P.Nos.1,2, and 3 of 2013 in W.P.No.25373 of 2013

1. Vijaya Lakshmy Nataraj

W/o.Nataraj,
Residing at No.402,
Sun-Moon Apartments, Off.S.V.Road,
Near Agrawal Estate, Joeswari (W),
Mumbai – 400 102.
Represented by its power Agent,
Mr.Markabandu,
S/o Achutha Narayanan,
No.15, Krishnaraja Nagar,
Adabakkam,
Chennai – 600 088.

2. Markabandu
of 2013

... Petitioners in W.P.No.25372

1. Sithalakshmy Subramanian

W/o.Subramanian
W/o.Mr.Yagneswaran,
Residing at No.402,



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Sun-Moon Apartments, Off.S.V.Road,
Near Agrawal Estate, Joeswari (W),
Mumbai – 400 102.

Represented by its power Agent,
Mr.Markabandu,
S/o Achutha Narayanan,
No.15, Krishnaraja Nagar,
Adabakkam,
Chennai – 600 088.

2. Alamelu Yagneswaran
W/o.Mr.Yagneswaran,
Residing at No.402,
Sun-Moon Apartments, Off.S.V.Road,
Near Agrawal Estate, Joeswari (W),
Mumbai – 400 102.
Represented by its power Agent,
Mr.Markabandu,
S/o Achutha Narayanan,
No.15, Krishnaraja Nagar,
Adabakkam,
Chennai – 600 088.

3. Markabandu ... Petitioners in W.P.No.25373 of
2013

vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Industries,
Fort St.George, Chennai – 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram.



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3. The Special Tahsildar,
Land Acquisition,
Unit-3, SIPCOT,
Sriperumbudur Expansion Scheme – II,
Sriperumbudur, Kancheepuram District.

4. The Managing Director,
SIPCOT Unit-III,
Sriperumbudur Expansion Scheme,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai – 600 008.

... Respondents in both W.P.s

Prayer in W.P.No.25372 of 2013

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Acquisition Notification in G.O.M.s.No.113, Industries (SIPCOT-LA) 04-06-2012, on the file of the first respondent issued under Sub-section(1) of Section 3 of the Tamil Nadu Acquisition of Land for industrial Purposes Act, 1997, published in the Tamil Nadu Government Gazette Extraordinary No.149-Part-II-Section 2 dated 04-06-2012 relating to the property schedule therein and in so far as the petitioner property is concerned, being the housing site in Plot No.1021, comprised in Survey No.316/1A measuring to an extent 2400 square feet in Mathur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and consequently direct the first respondent to conduct personal hearing to the petitioner as per the representation dated 12.02.2010 by furnishing the report of the respondents 3 and 4.



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Prayer in W.P.No.25373 of 2013

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Acquisition Notification in G.O.M.s.No.113, Industries (SIPCOT-LA) 04-06-2012, on the file of the first respondent issued under Sub-section(1) of Section 3 of the Tamil Nadu Acquisition of Land for industrial Purposes Act, 1997, published in the Tamil Nadu Government Gazette Extraordinary No.149-Part-II-Section 2 dated 04-06-2012 relating to the property schedule therein and in so far as the petitioner property is concerned, being the housing site in Plot No.1022, comprised in Survey No.316/1A measuring to an extent 2400 square feet in Mathur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and consequently direct the first respondent to conduct personal hearing to the petitioner as per the representation dated 12.02.2010 by furnishing the report of the respondents 3 and 4.

For Petitioners : M/s.Raja Sekhar

For R1 to R3 : Mr.T.K.Saravanan
[in both W.P.s] Government Advocate

For R4 : Ms.Sudarsana Sundar
[in both W.P.s]

COMMON ORDER

Since the issue involved in the present writ petitions is one and the



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same, they are disposed of by way of this common order.

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2. It is the case of the petitioners that they purchased the approved housing layout plots in Plot Nos.1021 and 1022 comprised in S.No.316/1A of an extent of 2400 sq.ft situated in Mathur Village, Sriperumbudur Taluk, Kancheepuram District vide registered Sale Deed dated 19.07.2007. In order to acquire the above said plots for the purpose of expansion of SIPCOT, Sriperumbudur Expansion Scheme-II, the second respondent had issued a notice under Section 3(2) of the Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamilnadu Act 10 of 1999). Notice was issued calling for objections which were filed. However, without considering the objections made by the petitioners, the first respondent issued a notification dated 04.06.2012 under Section 3(1) of the Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamilnadu Act 10 of 1999) (hereinafter referred to as 'the Act') in Tamilnadu Government Gazette viz. G.O.Ms.No.113, Industries (SIPCOT-LA). Challenging the said acquisition proceedings of the first respondent dated 04.06.2012, the petitioners have filed the present Writ Petitions seeking the aforesaid relief.

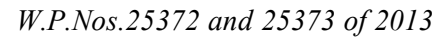


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3. Learned counsel for the petitioners submitted that though the subject property was acquired in the year 2012 and the notification under Section 3(1) of the Act was issued on 04.06.2012, till date the respondents have not passed any Award in terms of Section 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) (hereinafter referred to as 'Act, 2013') and subsequently amendment came into force in the year 2019, extending the benefit of Act, 2013. At the time of arguments learned counsel for the petitioners restricted his prayer and sought direction of this Court to the second respondent / District Collector to pass the Award in terms of Act, 2013 by considering the market value of the property as on 01.01.2014. Accordingly, he prayed for appropriate orders.

4. Learned Government Advocate appearing for the respondents 1 to 3 submitted that the Award will be passed in terms of Act, 2013 and the market value of the subject property will be considered as on 01.01.2014.



6. It is seen that the petitioners though initially objected the land acquisition proceedings initiated by the respondents, however at present they only seek for fair compensation to be determined and paid by the requisition authority as per Act, 2013. Considering the limited request of the learned counsel for the petitioners, this Court directs the second respondent to pass the Award in terms of Act, 2013 and to consider the market value of the subject property as on 01.01.2014 within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observation and directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10.10.2022

RAP		
Index	:	Yes/No
Speaking order	:	Yes/No

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1. The Secretary,
The State of Tamil Nadu,
Department of Industries,
Fort St.George, Chennai – 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Special Tahsildar,
Land Acquisition,
Unit-3, SIPCOT,
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M.DHANDAPANI, J.

RAP

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