



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6118 of 2012

M.P.1 of 2012

Jagannathan

Vs.

... Petitioner

1. The Special Tahsildar (LA),
SIPCOT Sriperumbudur Scheme,
SIPCOT, Irrungattukottai village,
Sriperumbudur Taluk,
Kancheepuram District.
2. The Chairman and Managing Director,
SIPCOT,
19-A,rukmani Lakshmipathy Road,
Egmore, Chennai - 8.
3. K.Nagaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second respondents to withdraw and cancel the subsequent reference under Section 18 of Land Acquisition Act, 1894, in L.A.O.P.No.270/2005 for the acquisition of land in S.No.237/6, measuring 0.30.0 Hec. in Saliyanur Mambakkam Village, Sriperumbudur Taluk, Kancheepuram District disposed on the file of the learned Sub-ordinate Judge, Tiruvallur on 19.03.05.

For petitioner : Mr.A.S.Vijay Anand

For Respondents : Mr.R.P.Murugan Raja
Government Advocate (for R.1)
M/s.Sudharsana Sundar(for R.2)
M/s.R.Soundari (for R.3)



ORDER

The petitioner has filed this petition, seeking direction to the first and second respondents to withdraw and cancel the subsequent reference under Section 18 of Land Acquisition Act, 1894, in L.A.O.P.No.270/2005 for the acquisition of land in S.No.237/6, measuring 0.30.0 Hec. in Saliyanur Mambakkam Village, Sriperumbudur Taluk, Kancheepuram District disposed on the file of the learned Sub-ordinate Judge, Tiruvallur on 19.03.05.

2. Mr.R.P.Murugan Raja, learned Government Advocate takes notice for the first respondent. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the third respondent, notice to the third respondent is dispensed with.

4. The case of the petitioner is that the petitioner's property in Survey No.237/6, measuring 0.30.0 hectares in Salaiyanur Mambakkam Village, Sriperumbudur Taluk, Kancheepuram District was acquired by the second respondent for the purpose SIPCOT Industrial Scheme. On his request, the Collector has referred the matter under Section 18 of the Land Acquisition Act, 1894 to Sub-Court, Poonamallee and the same was taken on file in L.A.OP.No.251 of 2002. Thereafter, the District Collector mistakenly referred the matter in L.A.OP.No.270 of 2005 on the file of Sub-Court, Thiruvallur, and the same was referred to the Lok Adalat Committee and in respect of same Survey numbers two awards were passed in L.A.OP.No.251 of 2002 and L.A.OP.No.270 of 2005. Thereby, the petitioner had filed present writ petition to withdraw the L.A.OP.No.270 of 2005 and deposit the amount as the Judgment in L.A.OP.No.251 of 2002. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that admittedly, the District Collector referred the determination of Compensation in terms of Section.18 in L.A.OP.No.251 of 2002 on the file of Sub-Court, Poonamallee and after three years another L.A.OP 270 of 2005 was referred inadvertently by the District Administration.

6. Earlier, this Court issued direction to respective Court for production of records. However, The Sub-Court, Poonamallee produced the records before this Court in L.A.OP.No.251 of 2002 in which Judgment was passed. However, the Sub-Court, Thiruvallur till date not traced the L.A.OP.No.270 of 2005 and



further L.A.OP.No.270 of 2005 was disposed by way of Lok Adalat Award. The learned Sub-Court Judge, Thiruvallur in her letter dated 21.03.2022 stated that, inspite of her sincere efforts, the records pertaining to L.A.OP.No.270 of 2005 were not traceable in record room and prayed for some time.

7. In view of the aforesaid submissions, this Court is inclined to issue a direction to the respondent not to proceed with L.A.OP.No.270/2005, on the file of Sub Court, Thiruvallur. However, the respondent is directed to deposit the compensation amount as per the award in L.A.OP.No.251 of 2002 dated 29.03.2006 within a period of 24 weeks from the date of receipt of a copy of this order.

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

tri/nhs

To

1. The Special Tahsildar (LA),
SIPCOT Sriperumbudur Scheme,
SIPCOT,Irrungattukottai village,
Sriperumbudur Taluk,
Kancheepuram District.
2. The Chairman and Managing Director,
SIPCOT,19-A,rukmani Lakshmipathy Road,
Egmore,Chennai - 8.

+1cc to M/s.Sudharsana Sundar, Advocate, S.R.No.19608
+1cc to the Government Pleader, S.R.No.19888

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PL[co]
NSK 12/04/2022