

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.14957 OF 2022

A.Sudhakar

...Petitioner

vs.

1. The Secretary to Government,
Industries Department,
State Secretariat,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Office of the District Collector at Kancheepuram,
Kancheepuram District.
3. The Chairman cum Managing Director,
SIPCOT,
No.19-A, Dr.Rukmani Lakshmipathi Road,
Egmore, Chennai - 600 008.
4. The Special District Revenue Officer,
Land Acquisition Office,
SIPCOT,
Sriperumbadur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to grant adequate compensation to the petitioner as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the acquisition of the petitioner's vacant land bearing Survey Nos.413/12 and Survey No.413/2 to an extent of 4320 sq. ft. in No.150, Santhavelur Village, Sriperambudur Taluk, Chennai M.G.R. District of 'TULSI PARADISE' layout, within the limits of the SRO of Wallajabad or for the respondents to return the subject property to the petitioner and within the time frame of three months.

For Petitioner : Mr.C.Daniel
For respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to grant adequate compensation to the petitioner land bearing Survey Nos.413/12, 413/2 of an extent of 4320 sq. ft. situated in No.150, Santhavelur Village, Sriperambudur Taluk, Chennai M.G.R. District or to return the subject property to the petitioner.

2. The case of the petitioner is that the petitioner and his father are the title owners of the property in above said survey number situated in said Village. Thereafter petitioner's father died intestate leaving behind his legal heirs. Suddenly, when the petitioner visited his property, without the knowledge of the petitioner, his property was acquired by SIPCOT without serving any notice under Section 11 and 21 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. As no compensation has been awarded for the acquired property, the petitioner has made a representation before the fourth respondent / Special District Revenue Officer (Land Acquisition) dated 19.07.2021, seeking for disbursement of compensation or to re-convey the subject property to the petitioner. Since the same has not been considered by the fourth respondent, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the fourth respondent to disburse the compensation for the acquired land or to re-convey the property by conducting proper enquiry and permit the petitioner to produce all the records to substantiate his title before the fourth respondent.

4. The learned Additional Government Pleader appearing for respondents submitted that the fourth respondent will conduct appropriate enquiry and based on the outcome of the enquiry, an order will be passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the fourth respondent to consider the said representation of the petitioner dated 19.07.2021, by conducting appropriate enquiry and the petitioner is directed to produce

all the title deeds to substantiate his right before the fourth respondent and the fourth respondent shall pass appropriate orders, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

RAP

To

1. The Secretary to Government,
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Fort St. George,
Chennai - 600 009.
2. The District Collector,
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4. The Special District Revenue Officer,
Land Acquisition Office,
SIPCOT,
Sriperumbadur.

+2ccs to M/s.Daniel & Gladys, Advocate, S.R.No.36017
+1cc to the Government Pleader, S.R.No.37190

W.P.No.14957 of 2022

PL(CO)
PM/18/07/2022