



WEB COPY



W.P.No.18030 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.18030 of 2022

and

W.M.P.Nos.17356 & 17358 of 2022

E.Sakthi

Vs.

... Petitioner

1. The Secretary,
Government of Tamil Nadu,
Industries SIPCOT (Land Acquisition) Department,
Fort St.George,
Chennai 600 009.
2. The Chairman and Managing Director,
SIPCOT,
No.19-A, Rukumani Lakshmipathy Road,
Egmore,
Chennai 600 008.
3. The District Collector,
Office of District Collector,
Collectorate,
Kanchipuram District.
4. The District Registrar,
Companied District Registrar Office Campus,
No.10, Kanchipuram High Road,
Chengalpet Bazaar Street,
St.Josephs School, Near Sub Jail,
Chengalpet 603 002.



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5. The District Revenue Officer,
Land Acquisition SIPCOT Office,
(Sriperamputhur & Erungattukottai Existing Scheme)
Pillaipakkam Village & Post,
Sriperamputhur Taluk,
Kanchipuram District.

6. The Special Tahsildar,
Land Acquisition SIPCOT Office,
(Sriperamputhur & Erungattukottai Existing Scheme)
Pillaipakkam Village & Post,
Sriperamputhur Taluk,
Kanchipuram District.

7. Cyrill Joesph

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records of the 6th respondent call letter in Na.Ka.52/2012 dated 30.06.2022 and to quash the same and directing the 6th respondent not to take any action for issuing compensation of land in Patta No.1722 in Survey No.201/13, in revenue village of Mampakkam, Sriperumbathur Taluk and the 6th respondent to conducting the enquiry after the final decision of the 4th respondent as the file in Ref.No.3650/AA3/2022.

For Petitioner : Mr.N.Desinghu

For R1 to R6 : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the 6th respondent call letter in Na.Ka.52/2012 dated 30.06.2022 and to quash the same and



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directing the 6th respondent not to take any action for issuing compensation of land in Patta No.1722 in Survey No.201/13, in revenue village of Mampakkam, Sriperumbathur Taluk and the 6th respondent to conduct the enquiry after the final decision of the 4th respondent as the file in Ref.No.3650/AA3/2022.

2. Mr.G.Krishna Raja, learned Additional Government Pleader takes notice on behalf of the official respondents. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that the petitioner claims that he is the owner of the land in Survey No.201/13, measuring an extent of 0.21 cents or 0.08.50 ares, which is situated at No.39, Mambakkam Village, Sriperampatur Taluk, Kanchipuram District. The above said land is derived from his grandfather and he had executed a registered Settlement Deed, dated 29.10.2010 in favour of the petitioner. After the execution of said settlement deed, the patta and other Revenue Records were mutated in the name of the petitioner vide Patta No.1722 and also paid necessary charges towards the land. The said land is sought to be acquired by the Land Acquisition



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Authority under the Industrial Purpose Act, 1997 and the third respondent has issued proceedings vide letter Na.Ka.No.52/2012 F5 dated 08.11.2012.

Thereafter, the third respondent conducted a meeting with the owners of the land with regard to the acquisition proceedings on 04.02.2022. On the said date, the petitioner also participated in the meeting, he came to know that the seventh respondent created a fabricated document in respect of the aforesaid property in order to grab the compensation under the land acquisition process. Therefore, the petitioner made a complaint dated 20.06.2022 before the fourth respondent/District Registrar under Section 68(2) of the Registration Act, 1908, seeking to conduct enquiry and to cancel the alleged fabricated Sale deed Doc.No.4515/1995, and the same was taken on the file of the fourth respondent as Ref.No.3650/AA3/2022. Since the fourth respondent/District Registrar has not conducted any enquiry on the petitioner's complaint, the six respondent/The Special Tahsildar has initiated proceedings vide Na.Ka.52/2012 and issued a letter dated 30.06.2022, calling upon the petitioner to appear before the fifth respondent/District Revenue Officer on 15.07.2022. Challenging the same, the petitioner has filed the present Writ Petition.

4. The learned counsel for the petitioner submitted that the



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petitioner is the owner of the property and the seventh respondent herein made a fraudulent document in Doc.No.4515/1995 in order to grab the property from the petitioner, for which, already the petitioner made a complaint before the fourth respondent/District Registrar to cancel the fraudulent document created by the seventh respondent. Meanwhile, the seventh respondent made an application before the Land Acquisition Officer for claiming the compensation under the land acquisition process. However, the Land Acquisition Officer has no power to conduct enquiry, when the document is put in question before the fourth respondent/District Registrar. Accordingly, he prays for passing appropriate orders.

5. The learned Additional Government Pleader appearing for the respondents submitted that, the summon issued to the petitioner calling upon him to produce the necessary documents to sustain his title in order to receive compensation. Further, he submitted that the Land Acquisition Officer has not expressed any opinion on the merits of the case, and it is the duty cast upon the Land Acquisition Officer to conduct enquiry in terms of Section 9 of the Land Acquisition Act, and without approaching the Authority under the said Act, filing the present Writ Petition is not sustainable. Accordingly, he prays for dismissal of the Writ Petition.



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6. The facts in the present case are not in dispute. The petitioner claims that he is the owner of the property in Survey No.201/13, however, the seventh respondent also made claim before the Land Acquisition Officer for the very same property. In order to resolve the dispute with regard to the apportionment of compensation, the third respondent/District Collector or Land Acquisition Officer has to conduct enquiry in terms of Section 9 of the said Act. In the present Writ Petition, the petitioner challenges the summons and further at the threshold, the summons cannot be challenged. Hence, this Court is not inclined to interfere with the order under challenge. However, liberty is granted to the petitioner to produce all the necessary documents relating to his title to the property before the Land Acquisition Officer for determination of the compensation amount payable to him.

7. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No

Speaking order: Yes/ No

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Note: Issue Order Copy on 15.07.2022.



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To

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M.DHANDAPANI, J.

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