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W.P.Nos.6241 & 6242 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.6241 & 6242 of 2016

and

W.M.P.Nos.5092 & 5093 of 2016

1. Dr. Saranya M Rao,
Rep by her POA,
Mrs. Meenakshi Prasanna

2. Jayakumar Angara,
Rep by his Power of Attorney
G.Prasanna

3. Pavithra Angara,

4. Vivek Angara,

5. Priya

. . . Petitioners in both WPs

Vs

1. State of Tamilnadu
Rep by its Secretary
Industries Department
Fort St.George
Chennai-9.

2. Special Tahsildar (LA)
Aromatic Complex-CPCL,
Saidapet, Chennai-15.



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3. Chennai Petroleum Corporation Limited

New No:536, Anna Salai Teynampet,

Chennai-600 018.

. . . Respondents in both WPs

PRAYER IN W.P.No.6241 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent bearing Na.Ka.No.127/13 dated 06.06.2014 and quash the same and issue a mandamus directing the respondent to reallott similar extent of land 0.20.0 hectares in any one of the 5 Villages acquired for the purpose of setting up Aromatic Complex.

PRAYER IN W.P.No.6242 of 2016 : Writ Petition filed under 226 of the Constitution of India, to issue a Writ of Declaration declaring that the land acquisition proceedings acquiring the land of the petitioners of an extent of 50 cents in S.No.94/2A in Mathur Village, Madhavaram Taluk, Thiruvalluvar Distrcit as lapsed in so far as their land is concerned consequent thereupon directing the respondents to handover the said land after removing the superstructure thereon.

In both WPs :

For Petitioner : Mr. S. Rajendrakumar for

M/s. Norton & Grant

For Respondents : Mr. P. Sathish Kumar,

: Additional Government Pleader for R1 & R2.

: M/s.R.Senthil Kumar for R3



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COMMON ORDER

The prayer in W.P.No.6241 of 2016 has been made for quashment of the impugned order dated 06.06.2014 passed by the 2nd Respondent and a direction to reallocate the similar extent of land which was acquired for the purpose of setting up aromatic Complex.

2. The prayer in W.P.No.6242 of 2014 has been made for declaring the land acquisition proceedings under which the petitioners lands were acquired as lapsed and handover the said lands to the petitioner after removing the superstructure put up in the said lands.

3. It is the case of the petitioners that they purchased the subject lands by way of a registered sale deed dated 05.10.1987. The said lands were acquired under the Land Acquisition Act vide 4(1) notification dated 19.12.1990 followed by Declaration under Section 6 issued on 29.07.1992 based on the G.O.Ms.No.648, Industries dated 16.09.1989. Pursuant to the said acquisition, Award came to be passed on 08.08.1994. However, the



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petitioners were not issued with notices as prescribed under the Land Acquisition Act. Therefore, the petitioner in W.P.No.6241 of 2016 sent an application dated 11.03.2014 to the 2nd Respondent, under the Right to Information Act, pursuant to which, the 2nd Respondent sent a reply dated 10.04.2014 stating that the Award has been passed towards the said acquisition and the compensation amount towards the same is kept in the Revenue Deposit on 02.07.1996. Insofar as the petitioner in W.P.No.6241 of 2016 is concerned, a petition dated 31.01.2014 seeking re-conveyance of the land was filed. Without passing any orders on the re-conveyance, the impugned order has been passed in respect of the properties of the petitioners. Assailing the actions of the respondents, the petition in W.P.No.6242 of 2016 has been filed seeking to declare the entire acquisition proceedings as lapsed, as the petitioners were not paid the compensation amount towards the said acquisition.

4. Learned counsel for the petitioners submits that the grievance of the petitioners is that the acquired lands are neither utilized for the purpose for which it was acquired nor the compensation amount towards the



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acquisition has been paid to the petitioners. However, the said acquisition has been made without issuing any notice to the petitioners, which is in violation of the provisions of the Land Acquisition Act. Further, the petition for re-conveyance was also rejected vide the order impugned in this Writ Petition. It is the further submission of the learned counsel that though the larger relief of quashment of the Land Acquisition proceedings has been sought for, however, it would suffice, if this Court, issues a direction to the respondents herein to issue a copy of the Award to the petitioners to enable the petitioners to work out their remedy in the manner known to law.

5. Learned Special Government Pleader relying upon the counter affidavit filed by the 2nd Respondent and submits that subsequent to the acquisition, the award was passed. Though notice was served on the petitioners to participate in the award enquiry, the petitioners have not appeared for the enquiry. Therefore, the compensation amount was deposited in the revenue deposit.

6. In view of the fact that subsequent to the acquisition of the subject



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lands, award was passed and the compensation amount towards the acquisition is kept in the revenue deposit, this Court, is inclined to issue a direction to the respondents to disburse the compensation amount to the petitioners and also issue the award copy to them within a period of four weeks from the date of receipt of a copy of this order. If the petitioners are aggrieved with the compensation amount, liberty is granted to them to work out their remedy in the manner known to law.

7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition s are closed.

08.06.2022

NHS

Index : Yes / No

Internet : Yes / No



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M.DHANDAPANI, J.

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