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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14727 of 2014

S.Sundararaj

... Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The District Revenue Officer, (LA),
SIPCOT Industrial Purposes (Oragadam Expansion Scheme),
Sriperumbudur (Near SRO Sriperumbudur),
Kancheepuram District.

3. The Special Tahsildhar, (LA),
SIPCOT Industrial Purposes (Oragadam Expansion Scheme),
SIPCOT - Unit III, Sriperumbudur,
Kancheepuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to immediately refer to Subordinate Court, Kancheepuram being the Land Acquisition Tribunal (Civil Court) the issue of re-determining proper and just compensation for the lands measuring 0.31.0 Hectares in Survey No.80/3, 0.30.5 Hectares in Survey No.81/4 and 0.12.0 Hectares in Survey No.81/12, all of Oragadam Village, Sriperumbudur Taluk, Kancheepuram District totaling to 0.73.5 Hectares i.e., 1.80 Acres acquired by the respondents from the petitioner for expansion of SIPCOT Industrial Purposes.

For Petitioner : Mr.N.R.Anantha Ramakrishnan

For Respondents : Mr.A.Anandan
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to immediately refer to Subordinate Court, Kancheepuram, being the Land Acquisition Tribunal (Civil Court) the issue of re-



determining proper and just compensation for the lands measuring 0.31.0 Hectares in Survey No.80/3, 0.30.5 Hectares in Survey No.81/4 and 0.12.0 Hectares in Survey No.81/12, all of Oragadam Village, Sriperumbudur Taluk, Kancheepuram District totaling to 0.73.5 Hectares i.e., 1.80 Acres acquired by the respondents from the petitioner for expansion of SIPCOT Industrial Purposes.

2.The case of the petitioner is that the petitioner is the owner of the subject lands. The subject lands were acquired for expansion of SIPCOT Industrial Purposes under Oragadam Expansion Scheme on 08.09.2007 under the provisions of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as 'Act'). According to the petitioner, the respondents fixed very low amount as compensation for the acquired lands and he received the same under protest. Thereafter, the petitioner made application seeking to refer the matter to the competent Civil Court for determination of compensation as contemplated under Sections 8 and 10 of the Act and since the same has not yet been considered, has filed this writ petition.

3.Heard the arguments advanced on either side and perused the materials available on record.

4.In the counter affidavit filed by the first respondent it is stated that the petitioner agreed upon the value fixed by the Government for his lands and executed agreement with the Government under Section 7(2) of the Act and thereafter award was passed and compensation was paid to the petitioner. Hence, the petitioner is not entitled for enhanced compensation and his request for sending reference for higher compensation to Court cannot be considered as per Rules.

5.Though it is stated that the petitioner has executed agreement with the Government under Section 7(2) of the Act, no such agreement is produced before this Court. In the absence of such agreement, it is necessary for the Land Acquisition Officer to refer the matter under Section 7(3) of the Act to the District Collector for determination of compensation amount.

6.In view of the above, the third respondent is directed to refer the case of the petitioner to the first respondent so as to enable him to determine the compensation amount. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. The period during



which the writ petition was pending before this Court is excluded for the purpose of limitation.

7.The writ petition is accordingly disposed of. No costs.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer, (LA),
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3. The Special Tahsildhar, (LA),
SIPCOT Industrial Purposes (Oragadam Expansion Scheme),
SIPCOT - Unit III, Sriperumbudur,
Kancheepuram District.

+1cc to Mr.N.R.Anantha Ramakrishnan, Advocate, S.R.No.27563

+1cc to the Special Government Pleader, S.R.No.28009

W.P.No.14727 of 2014

SKM(CO)
SU(04/05/2022)