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W.P.No.31956 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.31956 of 2022

and

W.M.P.Nos.31394 & 31395 of 2022

S.Sivakumar Sundaram

. . . Petitioner

Vs.

1. Commissioner of Land Administration
Chepauk, Chennai-600005
2. The District Collector,
Kancheepuram District, Kancheepuram
3. Special District Revenue Officer,
(Land Acquisition)
Chennai Peripheral Road Project-III
SIDCO Branch office,
Ambattur Industrial Estate, Chennai600058
4. A.Sivagami,M.Sc,
Special District Revenue Officer,
(Land Acquisition)
Chennai Peripheral Road Project-III
SIDCO Branch office,
Ambattur Industrial Estate,



W.P.No.31956 of 2022

Chennai-600058

. . . Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Certiorarified Mandamus or any other writ, or any other order in the nature of writ, calling for the records relating to the impugned order dated 3.10.2022 Ref.Roc.No.A4/23/2019 passed by the 3rd respondent and quash the same and consequently direct the respondents to consider afresh the objections of the petitioner by affording personal hearing as per the provisions of Section 26 to 30 & 38 of the Central Act 30 of 2013 (RFTLARR Act 2013) and appointing a specialist in the field to assess the value of the Industrial establishment of the petitioner.

For Petitioner : M/s. Thanka sivan

For Respondent : Mr.B.Vijay,
Additional Government Pleader for R1 to R3.

ORDER

The present petition has been filed seeking to quash the impugned order dated 3.10.2022 which was passed by the 3rd respondent and to direct the respondents to consider the objections made by the petitioner afresh in terms of Section 26 to 30 & 38 of the Central Act 30 of 2013 (RFTLARR Act 2013) after affording an opportunity of personal hearing to the petitioner.



W.P.No.31956 of 2022

WEB COPY

2. It is the case of the petitioner that his father is the absolute owner of the lands comprised in S.No.110/2 measuring an extent of about 40 cents and S.No.110/3A measuring an extent of about 136 cents situated at No.111, Sengadu Village, Sriperumbudur Taluk, Kancheepuram District, Situated on the western side of the Sriperumbudur/Thiruvallur High Road wherein the petitioner is running a factory consisting of a valuable machineries. After the demise of his father, the above said property devolved upon the petitioner. While being so, the petitioner was issued with notice under Section 15(2) of the Tamil Nadu Highways Act informing that the above lands were sought to be acquired for the purpose of formation of expanded Highway. Thereafter, the petitioner had participated in the enquiry which was conducted by the 3rd respondent based on the enquiry notice which was issued to the petitioner on 10.08.2020, since the said enquiry was not conducted in the proper manner, the petitioner submitted his objections for the same.

3. Further, notice under Section 19(5) of the Act was issued to the petitioner informing the petitioner that an order has been passed under



W.P.No.31956 of 2022

Section 15(3) of the Act and subsequently, notification under Section 15(1) of the Act came to be published. Challenging the impugned proceedings under Section 15(3) and 15(1) of the Act, the petitioner filed a Writ Petition in W.P.No.8074 of 2022 before this Court, however, the same was dismissed with a direction to the respondents to conduct enquiry on 02.09.2022 for fixing the compensation amount in respect of the above acquisition. In compliance of the said order, the petitioner was called upon for the enquiry, in which, the petitioner had participated and submitted a detailed representation with regard to the value of the equipments and machineries in the said property, however, without considering the said representation, the present impugned order dated 03.10.2022 has come to be passed stating that relevant documents of the property were not produced. Challenging the same, the present petition has been filed.

4. Learned counsel for the petitioner submits that though the present petition has been filed seeking larger relief, however, learned counsel restricted his prayer and sought permission of this Court to permit the petitioner to produce the relevant documents of the above said property



W.P.No.31956 of 2022

before the Land Acquisition Officer upon which, appropriate orders may be passed in accordance with law within the time that may be stipulated by this Court.

5. Learned Additional Government Pleader appearing for the respondents submits that this Court may permit the petitioner to produce the relevant documents relating to the above lands and upon receipt of the same, the respondents would pass Award in terms of Section 26 & 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 within a period of twelve weeks. It is further submitted that award was not passed on the ground that the petitioner had not co-operated with the 3rd respondent.

6. This Court heard the learned counsel on the either side and perused the materials available on record.



W.P.No.31956 of 2022

WEB COPY

7. Though the present petition has been filed for larger relief, in view of the limited relief sought for by the learned counsel for the petitioner, this Court, without interfering with the impugned order, directs the petitioner to produce the relevant documents relating to the subject property along with the copy of this order before the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, taking into consideration the damages caused to the machineries in the premises, the 3rd respondent is directed to pass Award in terms of the Act 30 of 2013, if it is otherwise in order within a period of twelve weeks thereafter. If the respondents are not satisfied with the petitioner's title to the subject property, the respondents are directed to deposit the award amount before the competent authority or Court to enable the petitioner to work out his remedy in the manner known to law. Further, the respondents are directed to take appropriate steps for relocating the machineries in the said property.

8. Accordingly, this Writ Petition is disposed of with the aforesaid



W.P.No.31956 of 2022

direction. No Costs. Consequently, connected Miscellaneous Petitions are closed.

29.11.2022

NHS

Index : Yes / No

Internet : Yes / No



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W.P.No.31956 of 2022

M.DHANDAPANI, J.

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