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W.P.No.9840 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9840 of 2023

Bramman

... Petitioner

Vs.

1. The State Government,
represented by its Secretary,
Industries Department.
2. The District Collector,
Kanchipuram.
3. The Special Tahsildar L.A.,
SIPCOT, Sriperumbudhur,
Scheme-2,
Sriperumbudhur.
4. Adharsh Estate Private Ltd.,
No.15, Kannaiyan Street,
T.Nagar, Chennai-600 017.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus by directing the respondents 1 to 3 to pay the compensation of Rs.20,00,000/- (Rupees Twenty Lakhs only) for petitioner's Plot No.125/B in Survey No.19/5, Village No.174, Vadacal A, Sriperumbudhur Taluk.



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For Petitioner
For Respondents

: Ms.S.Shyamala
: Mr. P. Sanjay Gandhi
Government Advocate [R1 to R3],
Not ready in Notice [R4]

ORDER

The relief sought for in the present Writ Petition is to direct the respondents 1 to 3 to pay the compensation of Rs.20,00,000/- to the petitioner for the acquisition of his land.

2. The petitioner states that he is the absolute owner of the vacant land bearing Plot No.125/B in Survey No.19/5, Village No.174, Vadacal A, Sriperumbudhur Taluk. The petitioner purchased the said plot from Adharsh Estate Private Ltd., a company registered under the Companies Act. The plot was approved by the Director of Town and Country Planning Act under the relevant provisions of the Act and he was in absolute possession and enjoyment of the land.

3. The 3rd respondent acquired the plot that belonged to the petitioner for industrial purposes under the Industrial Land Acquisition Act. The acquisition proceedings were completed even before the year 2014. The grievance of the writ petitioner is that the compensation due to him is



yet to be settled. Contrarily, the compensation was paid to a wrong person namely one Mr.Kuppan. The petitioner has raised objection and filed a W.P. No.9510 of 2014. This Court passed final orders on 09.12.2021, directing the petitioner to appear before the Special Tahsildar (Land Acquisition) along with the documents and on receipt of the same, the 2nd respondent therein was directed to issue notice to the Adarsh Estate Private Limited and conduct an enquiry and pass orders to pay compensation to the petitioner within a period of 4 weeks.

4. Pursuant to the directions issued by this Court in the said Writ Petition, the Special Tahsildar conducted an enquiry by affording opportunity to the parties concerned and passed an order and thereafter, settled the compensation in favour of one Mr.Kuppan Naicker and Mr. Devaraj Naicker. It is brought to the notice of this Court that the said compensation was paid on 12.05.2015 itself in favour of the above said two persons.

5. The learned counsel appearing for the petitioner raised an objection that the compensation was paid even before passing of the order



by this Court in the above Writ petition and therefore, the procedure followed by the authorities are improper. In this regard, this Court is able to find out that the fact regarding the settlement of compensation in the year 2015 was not brought to the notice of this Court while passing orders in W.P. No.9510 of 2014.

6. That being the factum, the authorities have again conducted an enquiry with reference to the documents presented by the aggrieved persons and passed appropriate orders. In this regard, in Para No.10 of the counter filed by the Special Tahsildar, it is extracted as follows:-

"10. It is submitted that as per the Sale Deed No.4320/2001 dated 05.09.2001, the petitioner said to have purchased a piece of land i.e., Plot No.125B measuring 1200 sq. ft. comprised in Survey No.19/5 from the 4th respondent whereas when the layout sketch was correlated to the FMB sketch, it was found that the claim made by the petitioner in respect of land bearing Plot No.125B relates to Survey No.18/3A. The 4th respondent / developer did not purchase the land in Survey No.18/3A and the same was in the name of Mr. Kuppan Naicker under Patta



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No.184 and as such 3(1) notification was issued in his name and compensation for the land in Survey No.18/3A measuring 0.20.0 ares was disbursed to the claimants Mr. Kuppan Naicker and Mr. Devaraj Naicker as early as on 12.05.2015. The petitioner has failed to produce the relevant link document in connection with the title. There is gross defect in the title and discrepancy in the Layout sketch with that of the FMB sketch and therefore the petitioner is not entitled to claim any relief. Since the petitioner's claim seeking for compensation was also given to the rightful owners as early as in the year 2015, the representation seeking compensation was rejected by the 3rd respondent by proceedings dated 02.05.2022. Even after passing of the proceedings after having conducted enquiry as per the order dated 09.12.2021 in W.P. No.9510 of 2014 and rejected the claim as not maintainable in view of the compensation already made to the rightful owners, the petitioner has approached this Court by filing the present Writ petition seeking for compensation".



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7. The process of acquisition was completed long back and the compensation due to the erstwhile land owners were settled in the year 2015. The petitioner states that the compensation was settled in favour of wrong persons. At this length of time, the settled issues cannot be unsettled in the matter of acquisition proceedings and settlement of compensation. If at all the petitioner is claiming title over the property, he has to approach the Civil Court of law for the purpose of establishing his title and only then, the petitioner may claim compensation.

8. In the present case, the present Writ Petition itself has been filed after a lapse of about 8 years from the date of settlement of compensation. Thus the petitioner is not entitled for the relief as such sought for in the present writ petition.

9. Accordingly, the Writ petition stands **dismissed**. No costs.

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Index : yes
Speaking order
Neutral Citation: yes
mjs/sha



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S.M.SUBRAMANIAM, J.

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