



W.P.No.10089 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.10089 of 2023

S.R.B.Kandasamy

... Petitioner

versus

1.The Special District Revenue Officer,
SIPCOT Industrial Park,
Land Acquisition Unit I-II,
5th Street, Appavu Nagar,
Dharmapuri.

2.The Special Tahsildar,
Land Acquisition SIPCOT, Unit I-II,
5th Street, Appavu Nagar,
Dharmapuri.

3.The Joint II Sub Registrar,
Office of the Joint-II Sub Registrar,
Dharmapuri.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent, dated 24.11.2022 made in RFL/2 Joint Sub-Registrar Dharmapuri/86/2022 and to quash the same as illegal and consequently direct the third respondent to register the Sale Deed

Pg.Nos.1/7



W.P.No.10089 of 2023

in respect of S.No.710/2 measuring an extent of 1.07.0 hectares situated at Adhagappadi Village, Kottavur, Dharmapuri Taluk and District, based on the communication of the Principal Subordinate Judge, Dharmapuri to the third respondent in D.No.842/2022, dated 22.11.2022 forthwith.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned refusal check slip, dated 24.11.2022 passed by the third respondent, vide RFL/2 Joint Sub-Registrar Dharmapuri/86/2022 and consequently to direct the third respondent to register the Sale Deed in respect of S.No.710/2 measuring an extent of 1.07.0 hectares situated at Adhagappadi Village, Kottavur, Dharmapuri Taluk and District, based on the communication of the Principal Subordinate Judge, Dharmapuri, to the third respondent in D.No.842/2022, dated 22.11.2022 forthwith.

2. The case of the petitioner is that on 16.10.2010, he entered into agreement of sale with one Prathaban for the properties comprised in



W.P.No.10089 of 2023

S.No.710/2 ad-measuring 2.64 ½ acre, Patta No.1866 and S.No.709/3 ad-measuring 2.53 acre. Though the vendor did not come forward to perform the contract, the petitioner filed a suit in O.S.No.67 of 2011 on the file of the Subordinate Court, Dharmapuri, and the same was decreed in favour of the petitioner. While so, the petitioner filed an execution petition in R.E.P.No.20 of 2020, before the Sub Court, Dharmapuri, which was ordered in favour of the petitioner. Hence, the learned Principal Subordinate Judge, Dharmapuri, sent a letter dated 22.11.2022, in D.No.842/2022, to the third respondent herein to register the document based on the decree. While so, when the petitioner submitted the document for registration, the third respondent, vide impugned refusal check slip, dated 24.11.2022 refused to register the same on the ground that the State Government had acquired the land in S.No.709/3 for SIPCOT. Hence, the petitioner submitted a representation to the first respondent requesting to furnish the details regarding the acquisition of the said land. In response to the same, the second respondent had sent a letter dated 07.02.2023, informing that the amount of compensation for the acquired land in S.No.709/3 was deposited in the account of Principal District Court, Dhamarpuri. However, the



W.P.No.10089 of 2023

compensation amount has not been disbursed to the petitioner, till date.

Further, it was informed that the land in S.No.710/2 had been proposed to be acquired for SIPCOT and the proposal was sent to the Government and the same is pending. Since the Government had not acquired the land in S.No.710/2, till date, the petitioner is constrained to file this Writ Petition for the relief as stated above.

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner seeks permission of this Court to withdraw the compensation amount in respect of S.No.709/3, which was deposited in the Civil Court and also seeks liberty to file an application for enhancement of compensation amount.

4. The learned Additional Government Pleader appearing for the respondents submitted that both S.No.709/3 and S.No.710/2 have been acquired by the State Government for the purpose of establishing SIPCOT under due process of law, and that properties vested with the Government. Therefore, the third respondent has rightly refused to register the document.



W.P.No.10089 of 2023

He further submitted that in respect of S.No.709/3, the second respondent has already deposited the compensation amount in the Civil Court.

5. Heard both sides and perused the materials available on records.

6. Since the respondents have already acquired the properties in S.Nos.709/3 and 710/2 and they have already deposited compensation amount in respect of S.No.709/3 in the Civil Court, the learned counsel for the petitioner himself restricted his prayer to withdraw the compensation amount in respect of S.No.709/3. Hence, the petitioner is not entitled to get any relief as sought for in the writ petition, which is dismissed. However, the petitioner is permitted to withdraw the said compensation amount and also liberty is given to the petitioner to make an application for enhancement of compensation amount, if he is so advised. However, there shall be no order as to costs

21.12.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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Pg.Nos.5/7



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W.P.No.10089 of 2023

To

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W.P.No.10089 of 2023

P.VELMURUGAN, J.

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W.P.No.10089 of 2023

21.12.2023

Pg.Nos.7/7