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W.P No.7208 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P No.7208 of 2023

N.Dandapani

...Petitioner

Vs.

- 1.The District Collector and District Magistrate,
Kancheepuram District,
Kancheepuram- 631 502.
- 2.The Competent Authority and
Special Distirct Revenue Officer
(Land Acquisition)
SIPCOT Oragadam LRK Scheme,
Sriperumbudur- 602 105 kancheepuram District.
- 3.The Special Tashidar (LA)
SIPCOT DATCIT,
Oragadam, Irungattukottai,
kancheepuram District- 602 117.
- 4.The Special Tashildar (LA)
DATCIT Oragadam Scheme - Unit 3
Tambaram, Chennai- 600 045.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the Arbitration Application of the Petitioner dated 19.01.2023 under Section



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24(1)(a) and 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pass an Award enhancing the compensation in respect of the Impugned Award dated 14.12.2001 in Award No.7/ 2001, passed by the 4th respondent fixing the compensation of Rs.64,596 /-in respect of the lands of the Petitioner in Survey No.669/2 measuring Hec. 0.68.0 Ares (Acres 1.69 cents) classified as Dry Maanavarai Lands Type - II at panruti Village, B Block, Sriperumbudur Taluk, Kancheepuram District, acquired for SIPCOT Industrial Complex, DATCIT Oragadam Scheme - Unit 3 and the basic compensation payable to the Petitioner may be fixed at Rs.25,61,61,547.20 P.(Rupees Twenty Five Crores Sixty- One Lakhs Sixty One Thousand Five Hundred and Forty-Seven Paise Twenty only) as per law within a time frame fixed by this Honble Court.

For Petitioner : Mr.M.Ramamoorthi

For Respondents : Mr.D.Ravichander
Special Govt. Pleader [R.1 to R.4]

ORDER

The relief sought for in the present writ petition is to direct the first respondent the 1st respondent to consider the Arbitration Application of the Petitioner dated 19.01.2023, under Section 24(1)(a) and 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and pass an Award by enhancing the compensation in respect of the Impugned Award dated 14.12.2001 in Award No.7/ 2001,



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passed by the 4th respondent fixing the compensation of Rs.64,596 /-in respect of the lands of the Petitioner in Survey No.669/2 measuring Hec. 0.68.0 Ares (Acres 1.69 cents) classified as Dry Maanavarai Lands Type - II at panruti Village, B Block, Sriperumbudur Taluk, Kancheepuram District, acquired for SIPCOT Industrial Complex, DATCIT Oragadam Scheme - Unit 3 and the basic compensation payable to the Petitioner may be fixed at Rs.25,61,61,547.20 P.(Rupees Twenty Five Crores Sixty- One Lakhs Sixty One Thousand Five Hundred and Forty-Seven Paise Twenty only) as per law within a time frame fixed by this Court.

2. It is not in dispute that the land belonging to the petitioner was acquired for public projects. The acquisition proceedings commenced during the year 25.11.1999 and an award was passed as early as on 14.12.2001. The grievances of the writ petitioner is that he had not received any notice as mandated under the provisions of the Land Acquisition Act, 1894. Since the petitioner had not received notice, he was deprived of submitting his objections during the relevant point of time. Thus, the compensation determined by the authorities was questioned by the petitioner at a later point of time which was not considered by the authorities and therefore, the petitioner is constrained to move the present writ petition.



3. The learned counsel for the petitioner mainly contended that even as per the document filed by the respondents, the notice was communicated to one Mr.M.S.Kannan, however the name of the petitioner is N.Dandapani and therefore, his contention is that no notice was served on him is established.

4. The learned Special Government pleader raised an objection by stating that the petitioner is entitled to receive compensation under the Land Acquisition Act, 1894 and under Section 18(2) of the Act, the time limit for seeking enhancement also lapsed and thus, the compensation determined by the authorities alone is to be disbursed in favour of the writ petitioner. The learned Special Government Pleader further states that the petitioner had knowledge about the acquisition in the year 2006. Therefore, there is a long delay in filing an application seeking enhancement of compensation. Therefore, the writ petition is to be rejected.

5. Admittedly, the compensation deposited by the authorities is yet to be disbursed to the writ petitioner. Though, the land was acquired in the year 2001, the petitioner has not received the compensation for the past about 22 years. As per the respondents, the amount was deposited in the work deposit and the deposit became lapsed since the petitioner did not withdraw the deposited amount.



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6. The Right to property is a constitutional right. Such right can be infringed only by the authority of law. In the present case, the land belonging to the petitioner was acquired and an award was passed on 14.12.2001. The petitioner states that he had not received any notice during the relevant point of time and even as per the document produced by the respondents, the cover was addressed to Mr.M.S.Kannan and the name of the writ petitioner is Mr.N.Dandapani. Thus, there is a reason to believe that the notice during the relevant point of time was not properly served to the petitioner and therefore, he was deprived of submitting an objection for the acquisition proceedings initiated in the year 1999. Though, the petitioner was aware of the acquisition proceedings in the year 2006, he was deprived of submitting an application seeking enhancement of compensation and the amount deposited was also not disbursed to the petitioner.

7.Considering the overall facts and circumstances, this Court is of the considered opinion that the benefit of filing an application seeking enhancement of compensation need not be denied to the writ petitioner since the notice of acquisition proceedings was not properly served on the petitioner during the relevant point of time.



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8. Accordingly, the respondents are directed to settle the compensation determined by them along with the interest as admissible under the provisions of the Land Acquisition Act, 1894, within a period of four (4) weeks from the date of receipt of a copy of this order. Meanwhile, the petitioner is at liberty to submit an application seeking enhancement of compensation under Section 18 of the Land Acquisition Act, 1894. The authorities are directed not to reject the application if any submitted by the petitioner seeking enhancement of compensation on the ground of delay and such application is to be decided on merits and in accordance with law as expeditiously as possible.

9. With these directions, the writ petition stands **allowed**. However, there shall be no order as to costs.

18.08.2023

Index : Yes
Internet : Yes
Speaking Order
Neutral Citation Case: Yes
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To

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S.M.SUBRAMANIAM, J.
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