



W.A. No. 1830 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A. No. 1830 of 2021

and

C.M.P. No. 11583 of 2021

1. The Secretary
Industries (SIPCOT-LA) Department
Secretariat, Fort St. George
Chennai-600009.

2. The Managing Director
SIPCOT
Egmore, Chennai-600008.

3. The District Collector
Kanchipuram District
Kanchipuram.

4. The Special Tahsildar (L.A.)
SIPCOT, Unit-I, Sriperumbudur
Expansion Scheme – II
Sriperumbudur
Kanchipuram District.

... Appellant

-vs-

Zareen Taj Choudhry

... Respondent

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set



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aside the order made in W.P. No. 28524 of 2018 dated 02.04.2019 on the file of this Court.

For the Appellants : Mrs.R.Anitha, SGP

For the Respondent : Mr.R.Karthik, For M/s.R.K.Law Firm

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mrs.R.Anitha, learned Special Government Pleader for the appellants and Mr.R.Karthik, learned counsel for the respondent.

2. The appellants are challenging the order passed by the learned Single Judge dated 02.04.2019 thereby allowing the writ petition filed by the respondent /original petitioner for referring the dispute to the civil court under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

3. Learned Special Government Pleader submits that the agreement was entered into between the parties, the award is a consent award. When the award is the consent award pursuant to the



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valid agreement between the parties, the question of referring the dispute for enhancement of compensation to the civil court does not arise for consideration.

4. According to the learned counsel, though the petitioner mentioned about the signing of agreement under protest, she has received the amount under the agreement.

5. It appears that the petitioner did not agree with regard to the compensation amount and had signed the agreement stating that she is surrendering the properties under protest. The parties were certainly not *ad idem*. There was no consensus *ad idem* between the parties.

6. The learned Single Judge has considered the said aspect of the matter, the respondent /petitioner filed an application for referring the matter to the civil court under the provisions of the statute within the prescribed period of limitation.



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7. It appears that the respondent had never accepted the award and has surrendered the land and received the compensation under protest. Even prior to the payment of compensation, the petitioner protested.

8. In view of that, the appeal is dismissed. No costs. Consequently, C.M.P. No. 11583 of 2021 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

Maya

To

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(Maya)

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