



WEB COPY

W.P.No.11787 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11787 of 2023 &
W.M.P.No.11685 of 2023

S.Rakesh Rajkumar,
Power Agent of Mrs.Padmasri

... Petitioner

Vs.

1.The District Collector,
Kancheepuram Collectorate,
Kancheepuram District.

2.The Special Tahsildar (LA) Unit-1,
SIPCOt, Sriperumbudur Expansion,
Scheme 1, Sriperumbudur,
Kancheepuram District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of impugned order issued by the 2nd respondent in Na.Ka. 38 / 2010 / A / Block -5 Dated 18.11.2022 and quash the same and consecutively direct the respondents to initiate action to fix compensation amount.

For Petitioner : Mr.K.Thirumalai

For Respondents : Mr.C.Jaya Prakash
Government Advocate



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ORDER

The order dated 18.11.2022 issued by the second respondent is sought to be quashed in the present writ petition.

2. The petitioner states that he is the power agent of one Padmasri. The said Padmasri purchased the subject property from Adarsh Homes for a valuable sale consideration. The subject property was subsequently acquired for SIPCOT at Sriperumbadur.

3. The grievance of the writ petitioner is that the compensation due to him has not been settled and in this regard, he has submitted an application. The Special Tahsildar, Land Acquisition passed the impugned order stating that the subject property is classified as “Anadhinam” and therefore, the petitioner is not entitled for compensation.

4. The learned counsel for the petitioner states that the subject property was purchased by Mrs.Padmasri from his vendor by paying consideration and more so, there is an error in respect of the survey number mentioned in the impugned order.



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5. Such errors cannot be adjudicated in a writ proceeding by conducting a roving enquiry. If at all, there is any disputed fact exists, the petitioner has to approach the competent civil court of law for the purpose of establishing his right in the manner known to law. Since the Special Tahsildar, Land Acquisition states that the subject property claimed by the petitioner is classified as “Anadhinam” and therefore, the petitioner is not entitled for any compensation, the impugned order need not be interfered with. If at all the petitioner claims that he is the owner of the property, he is at liberty to approach the civil court of law.

6. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

31.07.2023

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Index : Yes
Speaking order



To

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S.M.SUBRAMANIAM, J.

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