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W.P.No.21430 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **29.11.2023**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.21430 of 2017

and

WMP.No.22394 of 2017

G. Kamala

...Petitioner

Versus

1. The State of Tamil Nadu,
Rep. by its Secretary,
Industries Department,
Fort St. George,
Chennai – 600 009.

2. The Managing Director,
SIPCOT
No. 19A, Rukmani Lakshmi pathy Road,
Egmore, Chennai – 600 008.

3. The District Collector,
Kancheepuram District,
Kancheepuram.

4. The Special Tahsildar, (LA)
Unit -1, Block VIII,
SIPCOT, Oragadam Expansion Scheme,
Sriperumbudur,
Kancheepuram District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to pay compensation for the petitioner's property Plot No.23, measuring an extent of 2430 sq.ft. comprised in Survey No.255/5 as per Patta No.2437, New Survey No.255/43 in “Sri Dhanalakshmi Nagar” situated at Eraiyur Village, Sriperumbudur Taluk, Kancheepuram District under Section 24 of “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within the period stipulated by this Court.

For Petitioner : Mr. T.Gandhi
For Respondents : Mr.P. Gurunathan
Additional Government Pleader
(for R1, R3 & R4)
: Mrs. Sudharsana Sunder, (for R2)
Standing Counsel for SIPCOT

ORDER

This Writ Petition has filed to direct the respondents to pay compensation to the petitioner's property at Plot No.23, measuring an extent of 2430 sq.ft. comprised in Survey No.255/5 as per Patta No.2437, New Survey No.255/43 in “Sri Dhanalakshmi Nagar” situated at Eraiyur Village, Sriperumbudur Taluk, Kancheepuram District under Section 24



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of “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “ the new Act”) within the period stipulated by this Court.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for respondents 1, 3 & 4 and the learned Standing Counsel for SIPCOT, appearing for the second respondent and perused the materials available on record.

3. Admittedly, the land was acquired under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1999 (for short “the old Act”) and also admittedly, the award enquiry was conducted, after the new Act, came into force.

4. The respondent has filed counter affidavit wherein it is stated that even though the Land Acquisition proceedings were initiated prior to coming into force of the new Act, the respondents can proceed with the acquisition proceedings under the old Act as per



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G.O.Ms.No.251 Industries (SIPCOT – LA) Department, dated 31.12.2014, wherein it was made clear that in cases of the land acquisition where the notice under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 was published on or after 01.01.2014, the provisions of the new Act should apply. However, the Award has to be passed under the New Act, by computing the compensation.

5. In view of the above, it is clear that the Land Acquisition can be proceeded under the old Act. But, the compensation has to be awarded under the new Act. Therefore, the computation of compensation awarded has to be only under the New Act, but not under the old Act. The respondents themselves admitted that they ought to have passed the Award only after the new Act came into force. However, they passed the award under the old Act and the differential amount is lying before the Civil Court. It is also stated in the counter affidavit that the petitioner has received the award amount of Rs.2,47,076/- on 16.07.2021 as evident in the acquittance register.



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6. The learned counsel for the respondents brought to the notice of this Court that the matter is pending before the Hon'ble Supreme Court of India and an order of interim stay was granted with regard to the implementation of the Award. The petitioner is under cloud and once the land has been taken by the Government after conducting enquiry and passed the Award, it has to be quantified and paid under the new Act and the compensation under the new Act and if the respondents have got any doubt, they have to deposit the said differential amount before the Civil Court, till the decision of the Hon'ble Supreme Court, and till then the differential amount has to be kept under Civil Court Deposit.

7. In case the respondents succeed, they can get back the compensation and the respondents cannot keep the Award amount thereunder. Therefore, the respondents are directed to quantify the difference amount of award in respect of the petitioner's acquired land under the new Act and deposit the same before the competent Civil Court until the decision taken by the Hon'ble Supreme Court.



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8. With the above observations and directions, the Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

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Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

klt

To:

1. The Secretary,
Industries Department,
Fort St. George,
Chennai – 600 009.
2. The Managing Director,
SIPCOT
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P. VELMURUGAN, J.

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