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W.P.No. 30273 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.11.2023**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

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Mutiara Roofing Industries Pvt

(formerly known as):

Logos Roofing Systems India Private Limited,

No. 124, Vallam A Village,

Sriperambudur Taluk,

Kanchipuram District – 602 105.

... Petitioner

Versus

The Special District Revenue Officer (Land Acquisition)

SIPCOT Oragadam & Sriperambudur,

Expansion Scheme 2,

Sriperambudur, Kanchipuram District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorified Mandamus, calling for the records pertaining to proceedings in Na. Ka. No.219/2022-3 dated 15.09.2023 issued by the respondent, quash the same and direct the respondent to refer the matter to a competent Civil Court under Section 8 of Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997.

For Petitioner : Mr. R. Subramanian

For Respondent : Mr. S. Silambanan, Addl.Advocate General,
Assisted by
Mr. Yogesh Kannadasan, Spl.Govt. Pldr.



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ORDER

This Writ Petition has been filed seeking to issue a writ of certiorified mandamus to quash the proceedings dated 15.09.2023 issued by the respondent and to direct the respondent to refer the matter before the competent Civil Court as per Section 8 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 (in short “ the Act”).

2. The claim of the petitioner is that since 2008, the petitioner company has operated an industrial facility. All the authorities were granted approval on 05.02.2010 for them. They also got approval for the manufacturing plan. A notice to acquire the petitioner's lands and surrounding area for SIPCOT was issued. Therefore, the petitioner's company approached this Court by way of filing a Writ Petition No.12873 of 2012, and the same was taken along with the similar batch of Writ Appeals, before the Division Bench of this Court, wherein, the said writ petition was allowed as the petitioner's factory has already in the use of industrial purpose. The said factory is situated in S.No.23/1A8 and S.No.23/11 to an extent of 0.02.0 hectare, which was purchased by the petitioner's company from one Lakshmanan in the year 2008. Even though



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the Award was passed on 15.10.2020 for the acquisition of lands, the enquiry was conducted on 19.02.2022, and the compensation was paid to the petitioner's company on 11.11.2022 only thereafter. Therefore, now, the petitioner's company has not been challenging the acquisition of the lands, and they were only requesting to enhance the compensation amount paid by the respondent. To that effect, the petitioner's company submitted a petition on 11.11.2022 on the date of payment made by the respondent, even though that petition was dismissed on the ground, which was submitted belatedly with 757 days, therefore, the petitioner's company filed the present Writ Petition before this Court.

3. The learned counsel for the petitioner submitted that though the award was passed on 15.10.2020, it has not been served on the petitioner. The enquiry notice was issued on 19.02.2022. The date of payment of the compensation was on 09.11.2022, thereafter, the petitioner made an application seeking for enhancement of compensation on 11.11.2022 with a delay of 757 days and the same was not considered.



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4. The impugned order was passed on the ground that the representation for enhancement of compensation was made by the petitioner beyond the period prescribed and that there was no provision under the Act to enhance the compensation after the prescribed period. However, the Award has not been furnished to the petitioner.

5. According to learned counsel for the petitioner, since the copy of the Award was not furnished to the petitioner, the representation of the petitioner dated 11.11.2022 ought not to have been rejected on the ground of delay. Further, on and from the date of serving the copy of the Award, the limitation period runs. As per Section 7 (5) of the Act, the respondent may forward the petition dated 11.11.2022 to the Collector for enhancement of the compensation.

6. The learned Additional Advocate General appearing for the respondents fairly conceded that the copy of the Award was not served on the petitioner.



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7. In view of the aforesaid submission of the learned Additional Advocate General appearing for the respondent, the respondent is directed to forward a copy of the representation dated 11.11.2022 made by the petitioner to the appropriate authority for enhancement of compensation and complete the process and pass appropriate orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

8. With the above directions, the Writ Petition is disposed of. No costs.

22.11.2023

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

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To:

The Special District Revenue Officer (Land Acquisition)
SIPCOT Oragadam & Sriperambudur,
Expansion Scheme 2,
Sriperambudur, Kachipuram District.



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P. VELMURUGAN, J.

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