



W.P.(MD)No.17307 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.17307 of 2022

P.S.Selvaraj

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar

2.The Special District Revenue Officer,
(Land Acquisition),
SIPCOT Unit-4,
Virudhunagar District @ Sathur

3.The Special Tahsildar (Land Acquisition),
SIPCOT Unit-4,
Virudhunagar District @ Sathur

4.P.Raja Sekar

5.R.Raja Prabakar

6.R.Rajeshkumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 08.09.2022



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passed by the third respondent in O.Mu.Ni.Ye.A1/LAOP 217-228/2022 -SIPCOT and quash the same and further directing the second respondent to refer the matter to the civil court by invoking Sections 8 & 9 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

For Petitioner : Mr.M.P.Senthil
For R1 to R3 : Mr.J.Ashok
Additional Government Pleader
For R3 & R4 : Mr.J.Jeyakumaran
For R5 : No appearance

ORDER

This Writ Petition is filed for issuance of Certiorarified Mandamus to quash the impugned order dated 08.09.2022 passed by the third respondent in O.Mu.Ni.Ye.A1/LAOP 217-228/2022 -SIPCOT and for consequential direction to the second respondent to refer the matter to the civil court by invoking Sections 8 & 9 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

2. The petitioner and the father of the respondents 4 to 6 are brothers. Patta however stands in the name of the father of the respondents 4 to 6. Land had been acquired by the second respondent by proceedings dated



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23.02.2015 and an application has been given by the petitioner seeking enhancement of compensation and the third respondent/ Special Tahsildar, Land Acquisition SIPCOT Unit-4, Virudhunagar District has rejected the representation stating that since patta stands in the name of the father of the respondents 4 to 6, the matter cannot be referred to the civil court. The said order is challenged in this Writ Petition.

3. The reason given is that patta stands in the name of the father of the respondents 4 to 6. The same cannot be a valid ground for rejecting the representation. Even otherwise, the third respondent has no jurisdiction to pass such order. Any application regarding enhancement of compensation has to be forwarded to the second respondent, the Special District Revenue Officer,(Land Acquisition), Virudhunagar District.

4. In view of that particular fact, which is also confirmed by the learned Additional Government Pleader, the impugned order is set aside. This Writ Petition stands allowed. No costs.



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5. However, this would not give any right so far as enhancement of compensation is concerned. Therefore, a direction is issued to the petitioner/the respondents 4 to 6 to either of them, if they are of the opinion that compensation granted is not in consonance with the value of the land acquired, to give their representation to the second respondent. If it is so done, the issue of limitation shall not put to be against the examination of such representation. The issue of the name of the pattathar may not be put against the examination of such representation. The representation may be examined taking into consideration the compensation granted and the grounds raised seeking enhancement of compensation amount and thereafter, necessary order shall be passed. If such representation is preferred, decision shall be taken by the second respondent within a period of 3 weeks from the date of receipt of such representation.

17.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



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 - 2.The Special District Revenue Officer,
(Land Acquisition),
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Virudhunagar District @ Sathur
 - 3.The Special Tahsildar (Land Acquisition),
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C.V.KARTHIKEYAN, J.

CM

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