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W.P. No.11195 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2024

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

**W.P. No.11195 of 2024 &
WMP. Nos.12268 & 12269 of 2024**

R.Narayanan

... Petitioner

Vs.

1. The State rep. by the Secretary to Government,
Industries Department, Secretariat, Chennai-9.
2. The Additional Chief Secretary /
Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
3. The District Collector,
Kancheepuram District, Kanchipuram.
4. The Chairman, SIPCOT,
19-A, Rukmani Lakshmipathy Salai,
Egmore, Chennai – 600 008.
5. The Special Tahsildar,
[Land Acquisition] SIPCOT Unit – 1,
Oragadam Extension Scheme,
Sriperumbudur, Kanchipuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Certiorarified Mandamus calling the



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records relating to the impugned award No.1/2019 in Na.Ka. No.09/2009/ Unit I dated 30.09.2020 passed by the third respondent quash the same and consequently direct the third respondent to pass a fresh Award by fixing the base date as 01.01.2014 for determining the market value for petitioners lands measuring 1.16 Acres comprised in S.F. No.168/7 Eraiyur Village Vaipur B Block Village Sriperumpudur Taluk Kanchipuram District by considering petitioners representation dated 28.10.2022.

For Petitioner : Mr.M.Adhishree

For Respondent : Mr.P.Sathish
Additional Government Pleader – R1 to R3 & R5

Mr.Abishek Murthy – R4

ORDER

This Writ Petition has been filed seeking to quash the impugned notice in respect of the petitioner's land.

2. The case of the petitioner is that he is the owner of the property situated at Eraiyur Village, Vaipur B-Block, Sriperumbudur Taluk, Kancheepuram District comprised in S.No.168/7 ad-measuring Hectares 1.16 Acres and he has purchased the aforesaid properties in the year 2009. In the



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year 2010, the petitioners property was acquired by the first respondent for the purpose of formation of SIPCOT Industrial Complex, for which, notification was issued on 04.04.2012. However, till date the petitioner is in possession of the acquired land and no award has been passed so far. Hence, the entire acquisition proceedings has been lapsed. Challenging the said G.O., the present writ petition has been filed to quash the same in respect of the land, which was owned by the petitioner.

3. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that this Court may issue direction to the respondents to pay fair compensation in terms of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) within the stipulated time as fixed by this Court.

4. The learned Additional Government Pleader submitted that after following due process, an award was passed on 30.09.2020 in respect of the acquired lands and the same will be paid to the petitioner within the time frame as fixed by this Court.



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5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court passed the following orders:

(i) this Court directs the petitioner to make a fresh representation to the respondents for payment of the fair compensation in respect of the acquired land along with all the relevant documents and also a copy of this order within a period of four weeks from the date of receipt of a copy of this order;

(ii) Upon receipt of such representation, the respondents shall consider the said representation and pass appropriate orders within a period of eight weeks thereafter;

(iii) If the petitioner is aggrieved with regard to the compensation amount, he is at liberty to make application before the Land Acquisition Officer under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 read with Section 18 of the Land Acquisition Act, 1894 for enhancement of compensation within the time limit prescribed under the Act; and



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(iv) If such application is received, the Land Acquisition Officer shall refer the matter in accordance with law."

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7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

20.06.2024

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Index: Yes/ No

Internet: Yes/No

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N. SATHISH KUMAR, J.

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