



WEB COPY



W.P.No.31085 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.31085 of 2024

C.Janardhanan

... Petitioner

vs.

1.District Collector,
Collectorate Office,
Ranipet District.

2.District Revenue Officer,
Ranipet District.

3.Special Deputy Collector (LA),
SIPCOT,
Panapakkam Scheme,
Ranipet District.

4.Special Tahsildar (LA),
Unit-IV, SIPCOT,
Panapakkam Scheme,
Arakonam,
Ranipet District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned order dated 04.09.2024 made in Na.Ka.A1/20/2024/Unit -4/block-9 on the file of the 3rd respondent, and to QUASH the same and consequently direct the 3rd respondent make reference



W.P.No.31085 of 2024

under Section 8(1) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 to the jurisdictional civil court.

For Petitioner : Mr.V.Perumal

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. Challenging the order passed by the 3rd respondent in Na.Ka.A1/20/2024/Unit -4/block-9, dated 04.09.2024 rejecting the request made by the petitioner seeking enhancement of compensation, the petitioner has come before this Court.

3. It is not in dispute that the land belonging to the petitioner was acquired by respondents for establishment of Industrial Park at Ranipet. It is also not in dispute that the award was already passed by the Competent Authority. The petitioner has also received the award amount. However, not



W.P.No.31085 of 2024

satisfied with the quantum of compensation amount awarded by the Competent Authority, the petitioner herein submitted a representation on 24.07.2024 seeking enhanced compensation. The said representation was rejected by the 3rd respondent on the ground that the compensation was fixed based on the agreement between the petitioner and Competent Authority under Section 7(2) of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 and based on the agreement between the parties, the compensation amount of Rs.10,44,346/- was paid to the petitioner as early as 26.04.2023. Therefore, the 3rd respondent rejected the request of the petitioner stating that his request for enhancement of compensation amount cannot be considered as the amount was already paid to the petitioner based on the agreement between the parties. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner tried to assail the impugned order passed by the 3rd respondent on the ground that the respondents 1 and 2 by putting the petitioner under threat received statement from him against his interest and therefore, the agreement relied on by the respondents cannot be put against the petitioner.



W.P.No.31085 of 2024

5. Mr.A.Selvendran, learned Special Government Pleader, who is taking notice for the respondents, produced the copy of agreement entered between the petitioner and Competent Authority dated 27.03.2023 and the copy of the receipt signed by the petitioner dated 26.04.2023 for having received a sum of Rs.10,44,346/- towards the compensation amount as fixed by Award No.12/2023. The learned Special Government Pleader submitted that having entered into an agreement and agreed for quantum of compensation, the petitioner is not entitled to maintain the writ petition.

6. The impugned order passed by the 3rd respondent was attacked mainly on the ground that the consent of the petitioner was obtained by putting him under coercion. Whether coercion was employed or not is the question of fact which requires leading of evidence. Therefore, the point raised by the petitioner cannot be gone into conveniently in this writ petition. Therefore, this Court is not inclined to entertain the writ petition.

7. Further, the petitioner received compensation amount on 26.04.2023 without any protest. If the petitioner is not satisfied with the quantum of compensation fixed and if the consent of the petitioner for the



W.P.No.31085 of 2024

agreement was obtained by employing coercion, the petitioner should have protested at the time of receiving compensation. However, he has not made any protest at the time of receiving compensation on 26.04.2023.

8. Further, he kept quiet for nearly 13 months and then submitted a representation seeking enhancement of compensation. Even in the representation submitted before the respondents seeking enhancement of compensation dated 24.07.2024, the petitioner has not whispered anything regarding the coercion allegedly employed by the respondents. The said allegation is made for the first time in the writ petition. Therefore, this Court is not impressed with the submission made by the learned counsel for the petitioner.

9. Accordingly, the Writ Petition is dismissed. No costs.

25.10.2024

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



W.P.No.31085 of 2024

To

WEB COPY

- 1.District Collector,
Collectorate Office,
Ranipet District.
- 2.District Revenue Officer,
Ranipet District.
- 3.Special Deputy Collector (LA),
SIPCOT,
Panapakkam Scheme,
Ranipet District.
- 4.Special Tahsildar (LA),
Unit-IV, SIPCOT,
Panapakkam Scheme,
Arakonam,
Ranipet District.



WEB COPY



W.P.No.31085 of 2024

S.SOUNTHAR, J.

dm

W.P.No.31085 of 2024

25.10.2024