



*W.P.No.3110 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P.No.3110 of 2024

and

W.M.P.No.3386 of 2024

1.G.Munusamy

2.K.Muniyamma

3.K.Karpagavalli

4.Selvamani

Rep.by their General Power of Attorney Agent

J.Johnson

... Petitioners

versus

1.The Land Acquisition Officer,

District Collector Office,

Ranipet District, Ranipet.

2.The Special Deputy Collector (L.A),

(Land Acquisition)

SIPCOT – Pannapakkam Industrial Estate,

Project Unit -II, Block 6,

District Collaborate Office,

Ranipet District – 632 401.

.....Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, Calling for the entire records pertaining to the impugned order in Ref. Na.Ka. No.A1/ 07/ 2014. Alagu 2, Block 6, dated 03.04.2023 passed by the 2<sup>nd</sup> respondent as illegal violative and quash the same as it is against the principles of natural justice and thereby, directing the 1<sup>st</sup> respondent to grant appropriate compensation for the open space reservation lands acquired from the Petitioner in Survey No.366/4A- 677.97 Sq.mtr., Survey No.366/4B-164.66 Sq.mtr., Survey No.366/6- 740.16 Sq.mtr., Survey No.366/7A- 93.31 Sq.mtr., Survey No.366/7B- 13.87 Sq.mtr., Survey No.366/7C- 199.84.Sq.mtr., Survey No.366/7D- 269.66 Sq.mtr., Survey No.366/7F-167.39 Sq.mtr., Survey No.366/7G- 156.11 Sq.mtr., Survey No.366/7H- 97.90 sq.mtr., Survey No.366/7I- 243.00 sq.mtr., Survey No.366/8B-99.24 Sq.mtr., Survey No.366/8C- 94.67 Sq.mtr., Survey No.366/8D- 111.58 Sq.mtr., Survey No.366/8E- 245.33 sq.mtr., Survey No.366/8F- 437.58 Sq.mtr., Survey No.366/8G-182.33 Sq.mtr., Survey No.366/8H-131.09 Sq.mtr., Survey No.366/8I- 340.05. sq.mtr., Survey No.366/8J- 253.85 Sq.mtr., Survey No.366/8K- 216.73 Sq.mtr., and Survey No.366/8L - 388.69 Sq.mtr., in all to an extent of 5054.77 Sq.mts., at Nedumbuli Village, Block No.6,



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Arrokkonam Taluk, Ranipet District as per the provisions of the Land Acquisition Act 1879, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and The Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement, Rules 2014, with admissible rate of interest.

For Petitioners : Mr.K.Mohanamurali  
For Respondents : Mr.A.Selvendran  
Special Government Pleader

### **ORDER**

This writ petition has been filed to quash the impugned order in Ref. Na.Ka.No.A1/ 07/ 2014, Alagu 2, Block 6, dated 03.04.2023 passed by the second respondent and thereby, directing the first respondent to grant appropriate compensation for the Open Space Reservation (OSR) lands acquired from the petitioners in Survey No.366/4A - 677.97 Sq.mtr., Survey No.366/4B -164.66 Sq.mtr., Survey No.366/6 - 740.16 Sq.mtr., Survey No.366/7A - 93.31 Sq.mtr., Survey No.366/7B - 13.87 Sq.mtr., Survey



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No.366/7C - 199.84.Sq.mtr., Survey No.366/7D - 269.66 Sq.mtr., Survey No.366/7F -167.39 Sq.mtr., Survey No.366/7G - 156.11 Sq.mtr., Survey No.366/7H - 97.90 sq.mtr., Survey No.366/7I - 243.00 sq.mtr., Survey No.366/8B-99.24 Sq.mtr., Survey No.366/8C - 94.67 Sq.mtr., Survey No.366/8D - 111.58 Sq.mtr, Survey No.366/8E - 245.33 sq.mtr., Survey No.366/8F - 437.58 Sq.mtr., Survey No.366/8G-182.33 Sq.mtr., Survey No.366/8H -131.09 Sq.mtr., Survey No.366/8I- 340.05. sq.mtr., Survey No.366/8J- 253.85 Sq.mtr., Survey No.366/8K- 216.73 Sq.mtr., and Survey No.366/8L - 388.69 Sq.mtr., in all to an extent of 5054.77 Sq.mts., at Nedumbuli Village, Block No.6, Arrokkonam Taluk, Ranipet District as per the provisions of the Land Acquisition Act 1879, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and The Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement, Rules 2014, with admissible rate of interest.



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2. The learned counsel for the petitioners submitted that the petitioners' father Govindaraj was the sole and absolute owners of the properties in S.Nos.366/8C and 366/8F. After his death, the said properties were inherited by the petitioners and the said properties were sub divided. Subsequently, the petitioners formed a lay-out for developing their properties into house-sites by providing basic amenities and facilities, by laying road, leaving road margins, provisions for common area, park, overhead tank etc., after obtaining 'No Objection Certificate' from the Nedumpuli Panchayat Board. Subsequently, the respondents acquired the subject properties for the purpose of SIPCOT, and the first respondent passed an award in Award No.35/2022 in Na.Ka.No.A1/07/2014, Alagu-2, Block-6, on 31.12.2022, by fixing compensation, lesser than the price of the adjacent land owners. The learned counsel further submitted that the first respondent has failed to fix proper value for the land in respect of the entire properties acquired from the petitioners. The petitioners, after getting



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approval from the authorities concerned, formed a lay-out, however, the respondents stating that it is an unapproved lay-out, fixed meagre amount as compensation. Hence, the petitioners raised their objections before the first respondent for enhancement of Award. The first respondent referred the case to the Principal District Court, Vellore and the claim of the petitioners was numbered as L.A.O.P.No.30 of 2023 and the same is pending.

3. The main grievance of the learned counsel for the petitioners is that, the subject lands were acquired and possession was taken, but the authority concerned have paid compensation only for the plots marked by the petitioners for the purpose of sale. However, they have not paid compensation for OSR lands, which is still under the control of the petitioners. Therefore, the petitioners, through their Power of Attorney, made a representation dated 10.03.2023 to the second respondent, seeking to pass suitable orders for the entire area acquired from the petitioners. The second



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respondent, without considering the objections raised by the petitioners, passed the impugned order dated 03.04.2023, rejecting the request of the petitioners. Therefore, the impugned order passed by the second respondent, is liable to be set aside.

4. The learned Special Government Pleader appearing for the respondents submitted that the petitioners are developers of land(s). They formed an unapproved lay-out, and the same has not been approved either by the Nedumpuli Panchayat Board or by the District Town Country Planning and they have sold more than 40% of the plots. In order to set up new SIPCOT Industrial Park at Nedumpuli, the respondents acquired the subject properties and took possession of the said lands and compensation was duly awarded under the provisions of Sections 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation



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and Resettlement Act, 2013, to all the plot owners. The petitioners herein have also received the compensation for all the unsold plots.

5. The learned Special Government Pleader appearing for the respondents further submitted that Now the petitioners have come forward with the present writ petition seeking compensation for the public street (OSR lands). The OSR lands are not subjected to compensation, as the said lands were already covered under the Award as "Nil" compensation, by duly following the Circular of the Commissioner of Land Administration dated 28.09.2022 in Category Nos. 2 and 4. As per the above Circular in Category Nos. 2 and 4, it is clear that all the roads and OSR Area in the lay-out are not conveyed properly to the local bodies by way of registered Gift Deed, and such lands shall be deemed to have been vested with the concerned local authority in case of unapproved lay-out. In such cases, speaking orders are to be issued by the Land Administrative Officer with 'Nil' compensation for



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such OSR lands. In the present case, the petitioners have already handed over the possession of the subject properties including the OSR lands to the competent authority by way of Land Delivery Receipt on 06.02.2023. When once the Award is passed and possession also has been taken including OSR land, the same vests with the acquisitioning body, and that the petitioners cannot claim that the lands in question are still under their control. Hence, the petitioners are not entitled to get separate compensation for the public street (OSR lands).

6. The learned Special Government Pleader further submitted that for enhancement of compensation with respect to Award No.35/2022, reference has also been made to the Principal District Court, Vellore in LAOP.No.52 of 2023 and the same is pending.

7. Heard both sides and perused the materials available on record.



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8. It is seen that the petitioners have formed a lay-out for developing their properties into house-sites and sold more than 40% of the plots.

Though there is a dispute as to whether the said lay-out is approved or unapproved, the petitioners have not produced any authenticated approved plan. Therefore, the lay-out will be treated only as an unapproved lay-out.

Neither the petitioners, nor the respondents have stated about the market value, which was fixed for the approved or unapproved lay-out.

9. It is further seen that the petitioners have already approached the Reference Court. Therefore, the petitioners can agitate this issue also before the competent Court (Reference Court), where the petition is already pending for enhancement of compensation.

10. Since the petitioners have already sold more than 40% of plots and the land owners have also received the compensation, the public streets



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(OSR lands) are used only as common pathways. Therefore, the petitioners cannot claim the ownership of the OSR lands. However, as per the market value/guideline value, the petitioners are at liberty to work out their remedy before the reference Court for unsold plots.

11. With the above observations, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

1.The Land Acquisition Officer,  
District Collector Office,  
Ranipet District,Ranipet.

2.The Special Deputy Collector (LA),  
(Land Acquisition) SIPCOT – Pannapakkam Industrial Estate,  
Project Unit -II, Block 6,  
District Collector Office,  
Ranipet District, Ranipet.



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**P.VELMURUGAN, J.**

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