



W.P.Nos.1381 and 34 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.02.2024

PRONOUNCED ON : 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.1381 and 34 of 2024

and

W.M.P.No.1411 of 2024

W.P.No.1381 of 2024

1.B.Shagul Ameen

2.B.Vagetha

3.B.Shagetha

4.Jesuraj Sandiyidu

Rep.by their General Power of Attorney Agent

S.Prabakaran

... Petitioners

versus

1.The Land Acquisition Officer,

District Collector Office,

Ranipet District, Ranipet.



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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

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 2, dated 21.04.2023 passed by the 2nd respondent as illegal violative and quash the same as it is against the principles of natural justice and thereby, grant appropriate compensation for the open space reservation lands acquired from the petitioners in Survey No.305/2A to an extent of 8488.71 sq.mts, S.No.305/2B1 to an extent of 434.46 sq.mts., S.No.306/1A to an extent of 831.49 sq.mts, S.No.306/2A to an extent of 2423.09 sq.mts., and S.No.312/1 to an extent of 616.53 sq.mts in all to an extent of 12794.28 sq.mts at Nedumbuli Village, Block No.2, Arakkonam Taluk, Ranipet District as per the provision of the Land Acquisition Act 1879 and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and The Right to Fair



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Compensation and Transparency in Land Acquisition, Rehabilitation and
Resettlement Rule, 2014 with admissible rate of interest.

W.P.No.34 of 2024

J.Babuji

Rep.by his General Power of Attorney Agent

J.Anbarasu

... Petitioner

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.

3.The President of Nedumbuli Panchayat,
Arakkonam Taluk,
Vellore District.

.....Respondents

[R3 Suo Motu impleaded as per order dated
08.01.2024 in W.P.No.34 of 2024]



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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 2nd respondent and quash the same as illegal violative and against the principles of natural justice and thereby, grant appropriate compensation for the open space reservation lands acquired from the petitioner in Survey No.365/2 to an extent of 906.96 sq.mts., S.No.365/3 to an extent of 1131.64 sq.mts and S.No.366/9B to an extent of 593.20 sq.mts in all to an extent of 2631.80 sq.mts at Nedumbuli Village, Block No.6, Arakkonam Taluk, Ranipet District as per the provision of the Land Acquisition Act 1879 and 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, Rehabilitation and Resettlement Rule 2014 with admissible rate of interest.

For Petitioners	:	Mr.K.Mohanamurali in both W.Ps
For Respondents	:	Mr.A.Selvendran Special Government Pleader in both W.Ps



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COMMON ORDER

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The writ petition in W.P.No.1381 of 2024 has been filed to quash the impugned order in Ref.Na.Ka.No.A1/07/2014/Alagu 2/Block 2, dated 21.04.2023 passed by the second respondent and thereby, grant appropriate compensation for the Open Space Reservation (OSR) lands acquired from the petitioners in Survey No.305/2A measuring to an extent of 8488.71 sq.mts, S.No.305/2B1 measuring an extent of 434.46 sq.mts., S.No.306/1A measuring an extent of 831.49 sq.mts, S.No.306/2A measuring to an extent of 2423.09 sq.mts., and S.No.312/1 measuring to an extent of 616.53 sq.mts, totally 12794.28 sq.mts at Nedumbuli Village, Block No.2, Arakkonam 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



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and Resettlement, Rules 2014, with admissible rate of interest.

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2. The writ petition in W.P.No.34 of 2024 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 2nd respondent and thereby, grant appropriate compensation for the Open Space Reservation (OSR) lands acquired from the petitioner in Survey No.365/2 measuring an extent of 906.96 sq.mts., S.No.365/3 measuring an extent of 1131.64 sq.mts and S.No.366/9B measuring an extent of 593.20 sq.mts, totally 2631.80 sq.mts at Nedumbuli Village, Block No.6, Arakkonam 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, Rehabilitation and Resettlement Rules, 2014, with admissible rate of interest.



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3.The learned counsel for the petitioners submitted that the petitioners are the absolute owners of the subject properties. In order to develop the properties into house-sites, they formed lay-outs by providing basic amenities and facilities, i.e laying roads, 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 the awards in Award No.10/2023 in Na.Ka.No.A1/07/2014, Alagu-2, Block-2, dated 20.03.2023 and Award No.35/2022 in Na.Ka.No.A1/07/2014, Alagu-2, Block-6, on 31.12.2022, respectively, 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 lands in respect of the entire properties acquired from the petitioners. The petitioners, after getting approval from the authorities concerned, formed the lay-outs, however, the respondents



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stating that the said lay-outs are unapproved lay-outs, 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 claims of the petitioners were numbered as L.A.O.P.No.67 of 2023 and L.A.O.P.No.52 of 2023, respectively and the same are pending.

4. 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 the OSR lands, which are still under the control of the petitioners. Therefore, the petitioners, through their Power of Attorneys, made representations dated 03.04.2023 and 09.03.2023 to the second respondent, seeking to pass suitable orders for the entire area acquired from



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the petitioners. The second respondent, without considering the objections raised by the petitioners, passed the impugned orders dated 21.04.2023 and 03.04.2023, respectively, rejecting the request of the petitioners. Therefore, the impugned orders passed by the second respondent, are liable to be set aside.

5. The learned Special Government Pleader appearing for the respondents submitted that the petitioners are developers of land(s). They formed unapproved lay-outs, and the same have 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 and



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

6. The learned Special Government Pleader further submitted that now the petitioners have come forward with the present writ petitions 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-outs 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 layout. In such cases, speaking orders are to be issued by the Land Administrative Officer with 'Nil' compensation for such OSR lands. When



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once the Award is passed and possession also has been taken including OSR lands, 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).

7. The learned Special Government Pleader further submitted that, for enhancement of compensation with respect to Award No.10/2023 dated 20.03.2023 and Award No.35/2022 dated 31.12.2022, reference has also been made to the Principal District Court, Vellore in L.A.O.P.No.67 of 2023 and L.A.O.P.No.52 of 2023, respectively and the same are pending.

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

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



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plots. Though there is a dispute as to whether the said lay-outs are approved or unapproved, the petitioners have not produced any authenticated approved plan. Therefore, the lay-outs will be treated only as unapproved lay-outs. Neither the petitioners, nor the respondents have stated about the that market value, which was fixed for the approved or unapproved lay-outs.

10. It is further seen that the petitioners have already approached the Reference Court and filed L.A.O.P.No.67 of 2023 and L.A.O.P.No.52 of 2023, respectively. Therefore, the petitioners can agitate this issue also before the competent Court (Reference Court), where the petitions are already pending for enhancement of compensation.

11. Since the petitioners have already sold more than 40% of plots and the land owners have also received the compensation, the public streets (OSR lands) are used only as common pathways. Therefore, the petitioners



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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.

12. With the above observations, these writ petitions are disposed of.

However, there shall be no order as to costs.

13. W.M.P.No.1411 of 2024 is ordered on payment of separate Court fees by each of the petitioners.

05.03.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

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District Collector Office,
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P.VELMURUGAN, J.

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