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W.P.No.32707 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32707 of 2024

and

W.M.P.Nos.35542 & 35543 of 2024

1.Amirthavalli

2.Samundeeswari

3.Vyjayanthi

4.Deivanayagi

5.Kavitha

... Petitioners

Vs.

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Special District Revenue Officer (L.A)
SIPCOT Manallur (Bulk Drug Park),
No.26 Samarapuri Nagar,
Kavaraipettai, Gummindipoondi Taluk,
Tiruvallur District 601 206.

3.The Special Tahsildar
SIPCOT Manallur (Bulk Drug Park),
No.26 Samarapuri Nagar,
Kavaraipettai, Gummindipoondi Taluk,
Tiruvallur District 601 206.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to consider the representation / objection of the petitioners dated 01.10.2024



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and to refer the dispute regarding the apportionment of compensation amount, which is payable on the lands acquired that are comprised in survey no. 319/1, 332/2A, 332/2B, 332/2C, 314/2B, 315/1, 317/3A. 320/1A1, 332/2D, 314/2A, 314/4 and 320/3A situated at Sanaputhur Village, Gummidipoondi Taluk, Tiruvallur District pursuant to Section 8 of the Tamil Nadu Acquisition of Land for Industrial purposes Act, 1997 and pass such further or other orders as this Hon'ble Court may deem fit and proper.

For Petitioner : M/s.R.Munuswamy

For Respondents : M/s.A.Selvendran, Special GP
for R.1 to R.3

ORDER

The Writ Petition is filed for the issue of a mandamus directing the respondents to consider the representation/objection of the petitioners' dated 01.10.2024 and to refer the dispute regarding the apportionment of compensation amount, which is payable on the lands acquired that are comprised in survey nos.319/1, 332/2A, 332/2B, 332/2C, 314/2B, 315/1, 317/3A. 320/1A1, 332/2D, 314/2A, 314/4 and 320/3A situated at Sanaputhur Village, Gummidipoondi Taluk, Tiruvallur District pursuant to Section 8 of the Tamil Nadu Acquisition of Land for Industrial purposes Act, 1997.



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2. The petitioners are the joint owners of agricultural lands comprised in survey nos.319/1, 332/2A, 332/2B, 332/2C, 314/2B, 315/1, 317/3A, 320/1A1, 332/2D, 314/2A, 314/4 and 320/3A situate at Sanaputhur Village, Gummidipoondi Taluk, Tiruvallur District. The above properties originally belonged to one K.Munisundara Mudali, who was the Kartha of the above properties. Some of his legal heirs (male legal heirs) had entered into a partial partition with reference to some of the joint family properties which included a portion of the petition property under a partition deed dated 14.12.2000. The petitioners 2 to 4 and the deceased mother of the 5th petitioner are also joint family members entitled to a share in the joint family properties. However, being the female legal heirs they were left out and the male legal heirs had stealthily and fraudulently colluded together and created a partial partition deed. Therefore, the petitioners had initiated legal proceedings challenging the partial partition before the Court of law.

3. Meanwhile, the 3rd respondent for the purpose of setting up a Bulk Drug Park and also for other industrial set up had issued notice under Section 3 of the Tamil Nadu Land Acquisition for Industrial Purposes Act, 1997 for acquiring a vast extent of land in and around the Sanaputhur Village which included the petition property. However, no notice has been



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issued to the petitioners herein with reference to the acquisition. Therefore, they had not made any objection to the acquisition. It appears that the male family members have given their consent to the respondents for the payment of compensation and the respondents have also colluded with them and illegally disbursed the compensation to them. Therefore, the petitioners had made their objection on 01.10.2024 in person and earlier through their counsel to the respondents on 25.09.2024.

4. The petitioners would also submit that since there are serious objections to the apportionment of compensation among the joint family members, the dispute ought to have been referred under Section 8 of Tamil Nadu Land Acquisition for Industrial Purposes Act, 1997, to the competent Civil Court/Land Acquisition Tribunal and the 1st respondent is bound to so refer the matter. However, without referring the matter to the competent Civil Court/Land Acquisition Tribunal, the respondents are trying to disburse the remaining compensation amount to some of the joint family members completely ignoring the objections made by the petitioners. Therefore, the petitioners are before this Court.

5. Heard the counsels on either side.



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6. Considering the fact that there are serious objections to the apportionment of compensation by the respondents among the joint family members of the petitioners, a mandamus is issued to the respondents to refer the matter to the concerned Civil Court, within a period of 3 weeks from the date of receipt of a copy of the order. Till such time the amounts shall not be disbursed and shall remain in deposit. It is made clear that once the matter is referred to the Civil Court and the Civil Court takes the same on file, the stay granted supra would automatically come to an end.

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

11.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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