



W.P.No.33936 of 2023 etc., batches

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

**W.P.Nos.33936, 33939, 33940, 33942, 33944, 33946, 33947, 33948 and
33951 of 2023**

S.Sripriya

... Petitioner

vs.

1.The District Collector,
Kancheepuram,
Industries SIPCOT – LA Department,
Kancheepuram.

2.The Special Tahsildar (LA),
Mannur Valarpuram Nemili Scheme,
SIPCOT Project Office, INDL Park (First Floor),
Irungattukottai, Pennalur Post,
Sriperumbudur Taluk,
Kancheepuram District – 602 117.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorified Mandamus, calling for the records of the 1st respondent in their proceedings dated 30.06.2023 in Na.Ka.No.131/2021/Aa and quash the same as arbitrary, illegal against law and without jurisdiction and thereby directing the respondents herein to refer the matter to the competent court as per Section 8 of The Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.



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For Petitioner : Mr.M.R.Kuyilan
in all Wps.
For Respondents : Mr.R.Ramanlal
in all Wps. Additional Advocate General
Assisted by
Mr.T.Arunkumar
Additional Government Pleader

COMMOMORDER

Aggrieved by the order passed by the first respondent rejecting the request made by the petitioners seeking reference to Court under Section 8 of The Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997, the petitioners have come by way of these writ petitions.

2. It is not in dispute, the land belongs to the petitioners have been acquired for establishing industrial estate under The Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997. The quantum of compensation was fixed by the second respondent by award dated 24.12.2020.



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3. Not satisfied with the quantum of compensation fixed by the second respondent, the petitioners submitted an application under Section 8 of the said Act, seeking reference to Competent Civil Court for considering the enhancement of compensation. The said application was submitted on 28.12.2021. The first respondent by impugned order rejected the application filed by the petitioners on the ground that it was submitted beyond the limitation period of 60 days. Aggrieved by the same, the petitioners are before this Court.

4. The learned counsel appearing for the petitioners by taking this Court to the order passed by Apex Court in *suo motu* petition in S.P.(C).No.3 of 2020 submitted that as per the order passed by the Apex Court, the Pandemic period from 15.03.2020 to 28.02.2022 can be excluded and therefore, the application submitted by the petitioners on 28.12.2021 shall be treated as the one filed within time.

5. The Apex Court in the above mentioned order clearly observed that period from 15.03.2020 to 28.02.2022 shall stand excluded



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for the purpose of limitation prescribed under the general law of limitation or under any special laws in respect of Judicial or Quasi Judicial Proceedings. The application filed by the petitioners seeking reference, though filed before Collector, under the scheme of the Land Acquisition Act, the same can be considered on merits only by the Court. In such circumstances, the applications submitted by petitioners are the one aimed at adjudication by Court. Therefore, certainly application seeking reference by the petitioners is the actual trigger for initiation of judicial proceedings. Hence, benefit of Apex Court order is available to such applications. In the case on hand, the award of the second respondent was passed on 24.12.2020 during Covid-19 exclusion period. The application of the petitioners seeking reference to Court was filed on 28.12.2021 well within the exclusion period. Therefore, the application submitted by the petitioners cannot be treated as the one filed beyond the limitation period of 60 days as it was filed within the exclusion period as held by the Apex Court in the above mentioned order.



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6. The petitioners are entitled to benefit of the order passed by the Supreme Court in *suo motu* petition in S.P.(C).No.3 of 2020. The impugned order was passed by the first respondent without taking into consideration the order passed by the Supreme Court in the above matter. Therefore, the impugned order is set aside and the matter is sent back to the file of the first respondent for making reference to the Competent Court in accordance with law. The final order of the first respondent with regard to the request of the petitioners seeking reference shall be passed within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, all these writ petitions are stand allowed. No costs.

29.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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