



WEB COPY



W.P.No. 10708 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No. 10708 of 2021

K. Saravana Sankaran

... Petitioner

vs

1. The Principal Secretary to Government,
Industries Department,
Government of Tamil Nadu,
Fort.St. George, Secretariat,
Chennai 600 009.
2. The District Collector,
Tiruvallur District,
Collectorate, Master Plan Complex
NH-205, Tiruttani Highway,
Tiruvallur 602 001.
3. The Managing Director,
Chennai Petroleum Corporation Limited,
No.536, Anna Salai,
Teynampet, Chennai 600 018.
4. The Special Tahsildar (L.A)
Formerly MRL, Now CPCL,
Aromatic Complex,
Saidapet, Chennai 600 015.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus order or direction in the



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nature of writ to direct the respondents to deposit the compensation amount in L.A.O.P. No.611 to 615 of 1998 dated 02.11.2018 on the file of Sub Judge, Ponneri, Thiruvallur District within a stipulate time fixed by this Honourable Court or re-conveyance the land under Section 48(B) of the Land Acquisition Act to the petitioner.

For Petitioner : Ms. D. Malarvizhi
For R1, R2 & R4 : Mr. P. Sathish
Additional Government Pleader
For R3 : M/s. Apoorva Vinjamur

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to deposit the compensation amount in LAOP on the file of the Sub Judge, Ponneri, within the stipulated time fixed by this Court or in the alternative to re-convey the land in favour of the petitioner under Section 48(B) of the Land Acquisition Act, 1894.

2. Heard Ms. M. Malarvizhi, learned counsel appearing for the petitioner, Mr. P. Sathish, learned Additional Government Pleader appearing for the respondents 1, 2 and 4 and Mr. Apoorva Vinjamur, learned counsel appearing for the third respondent.



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3. The case of the petitioner is that his father was the owner of the subject property and the same was acquired for construction of an aromatic complex for the benefit of the third respondent. The land was not put to use and in the meantime, an award was passed. A reference was made in LAOP Nos. 611 to 615 of 1998 on the file of the Sub-Judge, Ponneri. It is under these circumstances, the petitioner has approached this Court and sought for a direction to the respondent to disburse the compensation amount in the LAOP proceedings or in the alternative to consider re-conveyance of the property.

4. The fourth respondent has filed a counter and the relevant portions are extracted here under:

"The Government allots 89 acres to M/s. Toshiba JSW Turbine and Generator Pvt. Limited Company in Amullavoyal and Vaikkadu Villages on 99 year lease basis with a onetime non refundable upfront charges of Rs.73 lakhs per acre payable by M/s. Toshiba JSW Turbine and Generator Pvt. Limited company to the Government as per the G.O. Ms.No.110. Industries (MID-I) Department dated 11.09.2009. These land allotted to above company for industrial purpose on 99 year lease basis not for sale.



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The Sub Court, Ponneri have pronounced judgment on 02.11.2018 for the above LAOP cases No.611/98 to 615/98 with respect to an extent of 0.81.0 Hect., out of which 0.58.0 Hect. relates to Chennai Petroleum Corporation Limited, remaining extent of 0.23.0. Hect., relates to Public Works Department. In the Sub Court, Ponneri judgment, the land value has enhanced from Rs.200/- per cent to Rs.6,100/- per cent. Necessary proposal has been submitted by this office Rc. No.07/2019 dated 24.01.2019 to beneficiary company Chennai Petroleum Corporation. The Sub-Court, Ponneri has identified some correction in the above judgment and the rectified original copy of judgment was received by this office on 26.02.2019.

The Chennai Petroleum Corporation Limited, has returned this office Rc.No.07/2019dated 24.01.2019 proposal above through Adm: Land 14 dt. 24.06.2019 stated that there is a mistake in TDS calculation and also that evaluating to file Review Petition before Sub-Court, Ponneri. The Review Petition filed by the Chennai Petroleum Corporation were returned by the Sub Court, Ponneri.

In continuation of this previous proposal in Rc.No.07/2019 dt. 24.01.2019, revised proposal sent by this



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in Rc.No.07/2019 dt. 27.09.2019 to the Chennai Petroleum Corporation after rectification of correction in the judgment.

The enhanced compensation calculatd for above 5 LAOP cases as per the revised judgment is as submitted below:

Details of Enhanced compensation amount has to be paid by Chennai Petroleum Corporation Limited:

Sl.No.	LAOP No.	Total 100% Amount	E.C. amount to be deposited in Sub-Court, Ponneri and Income Tax amount, as per Sub-Court, Ponneri order in LAOP No.611/98, etc. (5 cases) dated 02.11.2018	
			E.C. Amount	I.T. Amount
1.	611/98	12,26,885.00	11,29,413.00	97,472.00
2.	612/98	12,26,885.00	11,29,413.00	97,472.00
3.	613/98	12,26,885.00	11,29,413.00	97,472.00
4.	614/98	12,26,884.00	11,29,412.00	97,472.00
5.	615/98	12,26,884.00	11,29,412.00	97,472.00
Total		61,34,423.00	56,47,063.00	4,87,360.00

12. The petitioner's father (late) Thiru. Kuttiappan expired in the year 31st October 2020. When he was alive, he received the basic lan value fixed by the Land Acquisition Officer during the award passed on 1993. He accepted the Land Acquisition proceeding by the Government. His only objection was with respect to and land value not for



acquisition. Hence no chance to re-conveyance of the land under 48(B) of the Land Acquisition Act."

5. The third respondent has also filed an independent counter and has taken a very specific stand that the petitioner is not entitled for the relief and sought for dismissal of this Writ Petition.

6. It is not necessary for this Court to go into the various grounds raised on either side considering the separate judgments passed by this Court in A.S.No.390/2021, A.S.No.391/2021, A.S.No.395/2021, A.S.No.396/2021, and A.S. No.410/2021 dated 27.09.2024. This Court has set aside the judgment and decree passed by the reference court in the abovementioned LAOPs and the matter has been remanded back to the file of the Sub Judge, Ponneri, with a direction to dispose of the case within a period of two months from the date of receipt of copy of the judgment.

7. In the light of the above development, the relief as sought for in this Writ Petition has become infructuous. Since the matter has gone back to the LAOP Court and the compensation is going to be determined



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by the Court, if at all the petitioner has any right, he can agitate the same

before the reference court.

8. This Writ Petition is disposed of in the above terms. No costs.

13.02.2025

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

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To

1. The Principal Secretary to Government,
Industries Department, Government of Tamil Nadu,
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2. The District Collector,
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N. ANAND VENKATESH, J.

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