



Writ Petition No.10753 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.10753 of 2023
and
W.M.P.Nos.10696 & 10697 of 2023

1. K.Ranganthan
S/o. Late D. Kuppusamy,
No. 24 / 70, 2nd Madley Street, T.
Nagar, Chennai - 600 017.
2. K. Krishnan,
S/o. Late. D. Kuppuswamy,
NO. 7 / 3, 10th Street, Vinobaji
Nagar, Hasthinapuram, Chennai -
600 064. Rep. by their power of
Attorney Agent Mr. K.Ranganathan,
S/o. Late. D.Kuppuswamy, No.
24/70 , 2nd Madley Street, T.Nagar,
Chennai 17
3. K. Jamuna,
W/o. R. Radhakrishnan,
D/o. Late. D. Kuppuswamy, NO.
177 / 3, Venkatraman Nagar 8th
Main Road,Hasthinapuram, Chennai
- 600 064. Rep. by their power of
Attorney Agent Mr. K.Ranganathan,
S/o. Late. D.Kuppuswamy, No.
24/70 , 2nd Madley Street, T.Nagar,
Chennai 17



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4. K. Jayalakshmi

W/o. Mr. R. Rajaram, D/o. Late. D.

Kuppuswamy, No. 3 / 27A,

Ramagiri Nagar, 1st Street,

Velachery, Chennai - 600 042. Rep.

by their power of Attorney Agent

Mr. K.Ranganathan, S/o. Late.

D.Kuppuswamy, No. 24/70 , 2nd

Madley Street, T.Nagar, Chennai 17

Petitioner(s)

Vs

1. The Secretary to Government

Government of Tamil Nadu,

Industries Department, St. Fort

George, Chennai - 600 009.

2.The District Collector,

Kancheepuram District,

Kancheepuram.

3.The Special Thasildar (L. A)

Sipcot Unit- 1, Oragadam

Expansion Scheme, Sriperumbudur.

Respondent(s)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records in respect of the Award in Award No.1/2020 in Na.Ka.No. 13/2009 dated 5.11.2020 passed by the 3rd respondent in respect of Survey No.242/79 measuring Hectare 0.10.00 in No.182 Vaipur Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and consequently, direct the 3rd respondent to pass an award in respect of



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Serial No.318 in the Notification published in Tamil Daily DINA MALAR dated 22.04.2010 in respect of the petitioners' land in survey No. 242/6 , 5 in Plot Nos.2, 3, 4 ,5 and 6 measuring in all 12413 sq.ft in Mahakavi Subramani Bharathi Nagar, Eariyur Vaipur Block B Sriperumpudhur Taluk, Kancheepuram District.

For Petitioners : Mr.M.S.Subramanian
For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the award passed in Award No.1/2020 dated 05.11.2020 passed by the third respondent and for a consequential direction to the third respondent to pass the award with respect to the subject property belonging to the petitioners.

2. The award passed by the third respondent has been primarily challenged on two grounds. The first ground is that the award was passed in the name of a dead person even though the third respondent was informed on more than one occasion that the original owner of the property namely, Radhabai died on 31.07.2014 and therefore, the award must be held to be null and void. The second ground that has been raised is that the lands were acquired under the Tamil Nadu Acquisition of Land



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for Industrial Purposes Act, 1997 and this Act was in force till the same was held to be invalid by the Hon'ble Division Bench of this Court by order dated 03.07.2019. The Act was once again revived by the Tamil Nadu Amendment Act 38/2019. Thereby, the benefits of the Central Act 30/2013 has to be considered for determination of compensation on the date of notification under Section 11 of the Act as provided under Section 26 of the Act 30/2013. Since the same has not been complied with, the award passed by the third respondent has to be held to be null and void.

3. A counter affidavit has been filed by the respondents 2 and 3 and they have justified the award passed by the third respondent.

4. This Court has carefully considered the submissions made on either side and materials placed before this Court.

5. In the case on hand, the original owner of the property namely, Radhabai was the owner of the property and she died on 31.07.2014. In spite of the fact that the same was brought to the notice of the third respondent, the third respondent proceeded to pass the award



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in the name of dead person. On that ground alone, the award has to be held to be null and void. The award was passed on 05.11.2020 by the third respondent when 1997 Act was in force. Under Sub-Section 11 of Section 7, determination of compensation must be made within a period of six months from the date of reference to the Collector. In the case on hand, the award has not been passed within the time prescribed. That apart, the Act was held to be invalid by the Hon'ble Division Bench of this Court on 03.07.2019 and the Act was thereafter revived by the Tamil Nadu Amendment Act 38/2019, which provided for the benefits of the Central Act 30/2013. This was not even taken into consideration by the third respondent and on this ground also, the award has to be held to be null and void.

6. In view of the above, the impugned award passed by the third respondent in Award No.1/2020 dated 05.11.2020 is hereby quashed. There shall be a direction to the third respondent to re-determine the compensation in line with the Central Act 30/2013 by taking the base date as 01.01.2014 and compensation shall be paid to the petitioners within a period of eight weeks from the date of receipt of a copy of the order.



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In the result, this Writ Petition is allowed in the above terms.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

1. The Secretary to Government
Government of Tamil Nadu,
Industries Department, St. Fort
George, Chennai - 600 009.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Special Thasildar (L. A)
Sipcot Unit- 1, Oragadam
Expansion Scheme, Sriperumbudur.

N.ANAND VENKATESH, J



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