IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP Nos.15890, 15891 and 15892 of 2017

Kalyani Jayaraman ..Petitioner in WP No.15890 of 2017
D.Surendramohan ..Petitioner in WP No.15891 of 2017
R.Aravamudan ..Petitioner in WP No.15892 of 2017

Vs.

1. The State
   Rep. By Secretary,
   Industries Department,
   Fort st. George, Chenai 600 009

2. The District Collector,
   Kancheepuram – 631 501

3. The Special Tahsildar (LA)
   SIPCOT /Sriperumbudur Scheme
   Irungattukottai,
   Sriperumbudur Taluk – 602 117 ..Respondents

COMMON PRAYER:-

Writ petition filed under Article 226 of Constitution of India for issuance of writ of Certiorarified Mandamus to call for the records in respect of the order No.RC 16/1997/A dated 18.11.2016 issued by the 3rd respondent, quash the same and direct the respondents to pay the award amount as per the Central Act 30 of 2013.

For petitioners : Mr.G.Thyagarajan

For Respondents: Mr.M.R.Gokulkrishnan
Additional Government Pleader
for R1 to R3

COMMON ORDER

These writ petitions have been filed challenging the impugned proceedings of the 3rd respondent dated 18.11.2016 and for a consequential direction to the respondents to pay the award amount as per Act 30 of 2013 with interest.

2. The case of the petitioners is that they became the owner of the subject property by virtue of a registered sale deeds dated 27.05.1998, 27.05.1998 and 29.05.1998 registered as document Nos.4006, 4008 and 4012 of 1998. The property was purchased by the petitioners from one Mrs.Poornima Goutham and they were in possession and enjoyment of the same. The petitioner in WP No.15890 of 2017, purchased plot No.55, the petitioner in WP No.15891 of 2017, purchased plot No.36 and the petitioner in WP No.15892 of 2017 purchased plot No.54. All these plots measured an extent of 2400 Sq.ft each.

3. The further case of the petitioners is that the lands were acquired through notification dated 22.06.1998 and the award came to be passed on 17.11.2006 without issuing notice to the petitioners. This award was passed in the name of the erstwhile owner Poornima Goutham. In view of the same, the petitioners approached this Court and filed a writ petition for a direction to the respondents to pay the compensation to the petitioners under Act 30 of 2013. Pursuant to the orders passed by this Court, the 3rd respondent through impugned proceedings dated 18.11.2016 informed the petitioners that Act 30 of 2013 will not apply to the case of the petitioners since the award has already been passed and the award amount has been deposited in the revenue deposit and hence, there is no occasion for payment of compensation under the 2013 Act. Aggrieved by the same, these writ petitions have been filed before this Court.

4. The 3rd respondent has filed a counter affidavit in all these writ petitions. The relevant portion is extracted hereunder:-

> *8. The averments contained in Para 4 is not admitted. The notification of acquisition made under Section 4(1) of the Act was published in Govt Gazette in No.342 dated 22.06.1998 and necessary paper publications were made to that effect. The*

preliminary notification is a statutory provision which provides for hearing of objections under Section 5A which was also offered to the land owner Mrs.Poornima Gowtham. The petitioner herein allegedly purchased a piece of land on 27.05.1998 whereas notification of acquisition commenced on 22.06.1998. It is pertinent to state that at the time of acquisition of larger extent of land holding of 2.07.5 hectares, the revenue records for the entire land parcel stood in the name of Mrs.Poornima Gowtham and therefore all the statutory notices were sent to her address based on the available revenue records. Since the statutory notice of acquisition was served upon the original land owner, the same was challenged by her by filing aWP.No. 19059 of 1998 before this Hon'ble Court and interim orders were obtained. After the dismissal of the above writ petition on 27.10.2006, the award came to be passed on 17.11.2006. The petitioner has neither produced original title deeds nor revenue records stood in his name which is a statutory requirement for consideration of awarding compensation. The order obtained by the petitioner herein in WP.29916 of 2016 dated 30.08.2016 is the basis to substantiate the claim of the petitioner's alleged ownership which was also considered by this respondents.

Fact remains, already 80% of the compensation was made in the 'revenue deposit' in Rc.No.16/97A on 25.11.1998 at the time of taking possession, the petitioner's claim of awarding compensation as per Act 30 of 2013 was rejected.

5. Heard Mr.G.Thyagarajan, learned counsel for the petitioner and M.R.Gokulkrishnan, learned Additional Government Pleader, for respondents 1 to 3.

6. The main grievance that was expressed by the learned counsel for the petitioners is that the petitioners who had purchased the property even before the acquisition proceedings

were never put on notice either at the time of enquiry or at the time of award proceedings and therefore, the petitioners must atleast be paid the compensation along with interest.

7. Per contra, the learned Additional Government Pleader appearing on behalf of respondents submitted that the enquiry under Section 5A of the Land Acquisition Act, 1894 was conducted after issuing notice to Mrs.Poornima Gowtham from whom the petitioners had purchased the property. The said notices were received and she also challenged the acquisition proceedings by filing WP No.19059 of 1998 which ultimately came to be dismissed by an order dated 27.10.2006. The learned Additional Government Pleader further submitted that the award came to be passed on 17.11.2006 and since the petitioners neither produced the original title deeds nor the revenue records to establish that it stood in their names, 80% of the compensation amount was deposited in the revenue deposit on 25.11.1998 and the balance compensation amount of 20% was also deposited in the revenue deposit at the time of passing the award. Thus, the learned Additional Government Pleader submitted that the petitioners have approached this Court

belatedly and are now seeking for the payment of compensation under Act 30 of 2013 and in the alternative, they are also claiming for payment of compensation along with interest.

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

9. It is an admitted fact that the petitioners had purchased the property on 27.05.1998 and 29.05.1998. The acquisition proceedings were initiated immediately thereafter on 22.06.1998. Since the revenue records did not stand in the name of the petitioners and it continued to stand in the name of the original owner viz., Mrs.Poornima Gowtham, notices were sent to the erstwhile owner right through. It is now too well settled that the respondents are expected to issue notice only to the person in whose name the revenue records stands. The counter affidavit filed before this Court shows that such notice was sent to Mrs.Poornima Gowtham who is the erstwhile owner. That is the reason why she had also challenged the acquisition proceedings by filing a writ petition which ultimately got dismissed in the year 2006. 80% of the compensation amount was deposited in the

revenue deposit on 25.11.1998 at the time of taking possession and the balance amount has been deposited at the time of passing award on 17.11.2006. It is only thereafter the petitioners started knocking the doors of this Court in the year 2016.

10. The 3rd respondent while dealing with the representation made by the petitioners has considered the claim made by the petitioners. In the impugned proceedings, it has been stated that the erstwhile owner Poornima Gowtham has not claimed the compensation and hence, it was decided to pay the compensation to the petitioners who had purchased the property. However, the claim made by the petitioners to pay the compensation amount under Act 30 of 2013 was not entertained since the compensation amount has already been deposited in the revenue deposit. That apart, the 3rd respondent has also dealt with the scope of Section 24(2) of the 2013 Act and concluded that the same will not be applicable to the facts of the present case.

11. In the considered view of this Court, the award has already been passed in this case and a specific stand has been

taken to the effect that 80% of the award amount was deposited in the revenue deposit at the time of taking possession and balance 20% was deposited at the time of passing of the award. Hence, the award amount is available in the revenue deposit and at the best, the petitioners can only claim the said award amount that has already been deposited in the revenue deposit. The erstwhile owner of the property was aware about the acquisition proceedings and has also received the notice at the time of enquiry under Section 5A and also at the time of award proceedings. The petitioners came into the scene much later in the year 2016 and by then, the compensation amount has been deposited in the revenue deposit. The petitioner cannot claim any interest for the award amount only on the ground that no notices were sent to the petitioners. As already held by this Court, notice will be sent only to those, whose names are found in the revenue records and it is only the original owner viz., Poornima Gowtham's name that was found in the revenue records to whom notices were sent. Therefore, the respondents have duly complied with the procedure and kept the compensation amount in the revenue deposit and whatever amount is available in the revenue deposit is payable to the petitioners. The petitioner will neither be entitled for payment of compensation under the 2013 Act nor will be entitled for any payment of interest.

12. In the light of the above discussion, this Court is not inclined to interfere with the impugned proceedings of the 3rd respondent dated 18.11.2016 and there shall be a direction to the 3rd respondent to permit the petitioners to withdraw the amount that is already available in the revenue deposit.

13. In the result, all these writ petitions are disposed of in the above terms. No costs.

10-03-2025

Rka
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

1.The District Collector
Chengalpet Collectorate, Gst
Road, Chengalpet- 603 001.

2.The Revenue Divisional Officer
Revenue Divisional Office,
Tambaram, Chengalpet -600
045.

3.The Tahsildar
Tambaram Taluk Office,
Chitalapakkam, West
Tambaram, Chennai- 45.

N.ANAND VENKATESH J.

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