

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19683 of 2015

And

M.P.Nos.1 and 2 of 2015

N.Sampath

... Petitioner

Vs.

1 The Principal Secretary
Government of Tamil Nadu Department of
Industries Secretariat Chennai-9.

2 The District Collector
Kancheepuram District Kancheepuram.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the entire records in pursuant to G.O.Ms.No.45, Industries (SIPCOT-LA) dated 21.02.2012 notified on 21.02.2012 in Tamil Nadu Government Gazette in so far as acquiring petitioner lands comprised in Survey No.267/11 Vadagal Village is concerned and quash the same.

For Petitioner : M/s.M.R.Sakunthala

For Respondents : Mr.M.Digvijaya Pandian
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that the land admeasuring 1.44 cents in S.No.267/11, Vadagal Village, Vallam Panchayat, Sriperumbudur Taluk, Kancheepuram District originally belonged to R.Munusamy Naidu, M.Palani, M.Gowtham Rajendran and their Power of Attorney has conveyed the property by means of a registered sale deed dated 23.12.2010 (registered as document no.12772/2010 on the office of Sub-Registrar, Sriperumbudur) and thereafter, patta was transferred in his name on 27.09.2012. The petitioner would further state that the first respondent has issued a notification in G.O.Ms.No.45 Industries (Sipcot - LA) dated 21.02.2012 seeking classification of the land of the petitioner and others for the purpose of setting up of industrial complex by Sipcot, Sriperumbudur expansion scheme under

Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. The grievance expressed by the petitioner is that though he purchased the lands in question by means of registered sale deed dated 23.12.2010 and patta was also granted in his favour on 27.09.2012, he has not been issued with any notice whatsoever and hence prays for interference.

3.Per contra, Mr.M.Digvijaya Pandian, learned Additional Government Pleader who accepts notice on behalf of the respondents would submit that the respondents should go by the revenue records and even as per the version of the petitioner, though he has purchased the land on 23.12.2010, he got patta only on 27.09.2012 and thereafter only his name was entered in as a pattadhar and whereas, the impugned Government Order came to be passed as early as on 21.02.2012, wherein the name of the previous owner found place and therefore, it is not open to the petitioner to make any complaint in this regard and prays for dismissal of the writ petition.

4.The fact remains that the petitioner is the owner of the land by virtue of a registered sale deed dated 23.12.2010 and the patta was transferred in his favour on 27.09.2012. No doubt the impugned Government Order came to be passed on 21.02.2012 about seven months prior to the transfer of patta in favour of the petitioner.

5.This Court taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner permits the petitioner to submit a representation to the respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order and the respondents on receipt of the same, is directed to consider the same in accordance with law and pass orders within a period of six weeks thereafter and communicate the decision taken, to the petitioner. Till then, both parties shall maintain status-quo as exists today.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The Principal Secretary
Government of Tamil Nadu Department of
Industries Secretariat Chennai-9.

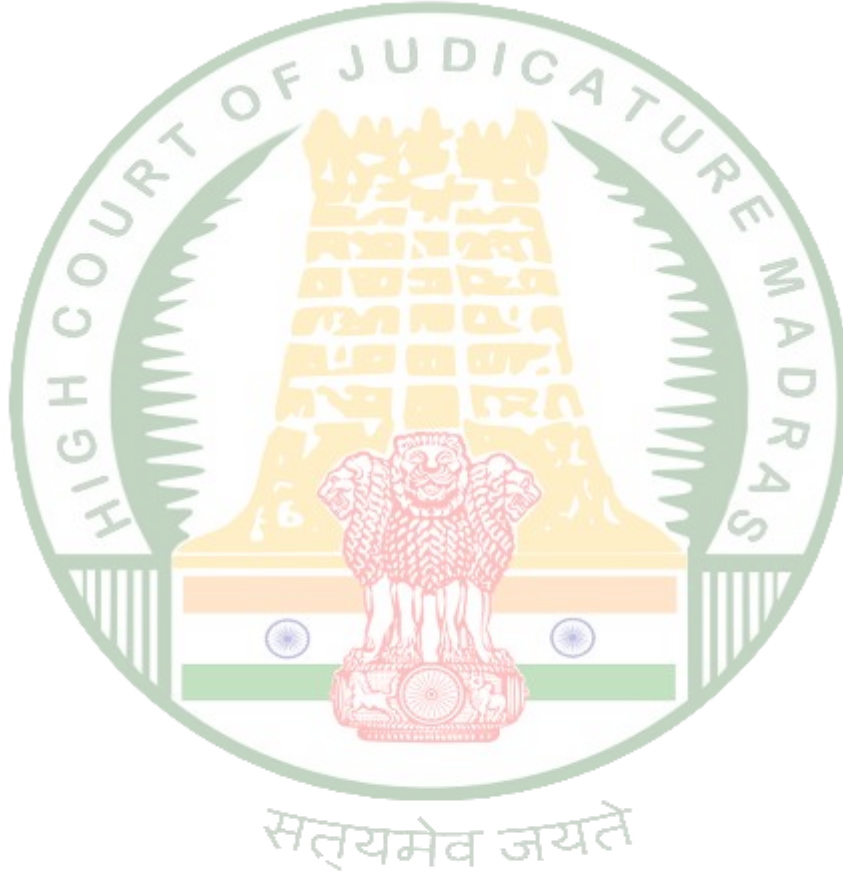
2 The District Collector
Kancheepuram District Kancheepuram.

+1 cc to Mr.T.P.Prabakaran, Advocate,SR.33501

+1 cc to Government Pleader,SR.33943.

Jsv(co)
krd 15/7

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