

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.16290 of 2014 &
M.P.Nos. 1 & 2 of 2014

SAKTHI CO-OPERATIVE INDUSTRIAL
ESTATE LTD. REP. BY ITS PRESIDENT

[PETITIONER]

Vs

1 GOVERNMENT OF TAMIL NADU
REP. BY ITS SECRETARY
REVENUE DEPARTMENT
FORT ST. GEORGE, CHENNAI-600 009.

2 GOVERNMENT OF TAMIL NADU
REP. BY ITS SECRETARY
SMALL SCALE INDUSTRY DEPARTMENT
FORT ST. GEORGE, CHENNAI-600 009.

3 THE DISTRICT COLLECTOR
COIMBATORE DISTRICT
COIMBATORE.

4 THE ASSISTANT DIRECTOR
TOWN AND COUNTRY PLANNING
CORPORATION TRADE COMPLEX
DOCTOR NANJAPPA STREET
COIMBATORE-18.

5 THE TAHSILDAR
TAHSILDAR OFFICE
POLLACHI-1.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for the records of the 4th respondent herein dated 28.02.2014 in Na.Ka.No. 4277/2012 koma and to quash the same and direct the 3rd Respondent herein to take appropriate steps to acquire the lands in S.No.22/C1, 22/C3, 22/C4, 22/C5, 40/2, 41/2A, 41/2B1, 41/2B2 , 41/2B3, 42/2 measuring to a total extent of 16.70 acres of land in Solapalayam Village, Pollachi Taluk as

per the provisions of the respective Act and handover the same to the Petitioner Society at the earliest.

For Petitioner : Mrs.P.T.Asha
for M/s Sarvabhauman Associates

For Respondents :Mr.R.Rajeswaran
Spl.Govt. Pleader

O R D E R

Heard Mrs.P.T.Asha, learned Counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents.

2.The petitioner is a Co-operative Industrial Estate and challenge in this Writ Petition is to an order passed by the fourth respondent dated 28.2.2014. By the said proceedings, the objection raised by the fourth respondent to grant approval of the layout plan, which has been promoted by the private parties, came to be rejected on the ground that at that point of time, there was no proposal by the Government to acquire lands, which was the subject matter of controversy.

3.Earlier, acquisition proceedings were initiated in respect of those lands by issuing G.O.Ms.No.58 dated 11.6.2007, under the provisions of the Tamil Nadu Acquisition of Lands for Industrial Purpose Act, 1997. The said Government Order was challenged by the land owner in W.P.No.1425 of 2011, and the acquisition was for expansion of petitioner's Industrial Estate and those lands were adjacent to the Industrial Estate, promoted by the petitioner. This Court, after elaborately considering the contentions raised, allowed the Writ Petition and the impugned order was quashed by an order dated 25.8.2011. In the penultimate paragraph of the said order, it was observed that it was open to the authorities to take appropriate action in the manner known to law, as per the provisions of the respective Act (Tamil Nadu Acquisition of Lands for Industrial Purpose Act, 1997), if the authorities are advised to initiate any action for acquisition of lands covered under the Government Order in G.O.Ms.No.58 dated 11,6,2007. Thereafter, the Government did not take any decision to acquire the lands.

4.At that juncture, the petitioner approached this Court by filing W.P.No.34910 of 2013, for a direction to the District Collector, Coimbatore, to consider his representation dated 4.11.2013, and take appropriate steps to acquire the land in

survey Nos. 22/C1, 22/C3, 22, 22/C5, 40/2, 341/2A, 41/2B1, 41/2B2, 41/2B3, 42/1 and 42/2, under the provisions of the Tamil Nadu Acquisition of Lands for Industrial Purpose Act, 1997 and handover the same to the petitioner Society. The said Writ Petition was considered by this Court and it was held that the petitioner has miserably failed to substantiate that they have any statutory right to compel the Government or the District Collector to acquire the land for the purpose of allotting to them. In that regard, reference was made to the decisions of the Hon'ble Supreme Court in the case of STATE OF U.P. AND ORS v. HARISH CHANDRA AND ORS [(1996) 9 SCC 309]; UNION OF INDIA v. S.B.VOHRA [(2004) 2 SCC 150] & ORIENTAL BANK OF COMMERCE v. SUNDER LAL JAIN] (2008) 2 SCC 280], and after taking note of the factual circumstances dismissed the writ petition by an order dated 03.01.2014. Thereafter, it appears that the lands which the petitioner wanted, the Government compulsorily acquired the very same lands. That was objected to by the petitioner and they submitted a representation to the fourth respondent objecting to the layout plan. That representation was rejected by the impugned proceedings, stating that as on date, there was no proposal by the Government to acquire the lands. That proceedings was now being challenged by the petitioner by way of this writ petition.

5.The prayer sought for is two fold, firstly, to quash the proceedings of the fourth respondent dated 28.2.2014 and secondly, to direct the District collector, Coimbatore to acquire the said land and handover the same to the petitioner society.

6.So far as the second limb of the prayer, wherein the petitioner seeks for a direction to acquire the land, the same is clearly barred by res judicata as the petitioner's earlier writ petition for an identical prayer in W.P.No.34910 of 2013 was dismissed by this Court on 03.01.2014. Therefore, the prayer sought for by the petitioner to direct acquisition of land has to be necessarily rejected.

7.So far as the prayer to quash the impugned proceedings is concerned, this Court is of the firm view that the petitioner has absolutely no locus standi to object to the layout plan being considered for approval by the fourth respondent. In fact, the petitioner is a utter stranger and merely because the lands are situated adjacent to the petitioner's Industrial Society, that does not mean that they can compel the Government to acquire the land and handover the same to them. The Government have clearly made their intention that they do not propose to acquire the land. Therefore, the petitioner cannot maintain to challenge the impugned proceedings nor there is any ground on which the impugned proceedings calls for interference.

8.Since, the relief sought for by the petitioner being thoroughly misconceived, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rpa
To

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+1 cc to M/S.Sarvabhauman Advocate sr.67252
+1 cc to Government pleader sr.67628

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nm(co)
aa07/01/2016