

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15-9-2015

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.27331 of 2015
and M.P.No.1 of 2015

N.Goopalliyappa

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary to the Government
Electronics Estate Science & Technology Department
Fort St.George, Chennai-600 009.
- 2.The Sub Collector and
Land Acquisition Officer, Hosur.
- 3.The Managing Director
Small Industries Development Corporation Ltd., (SIDCO),
(A Government of Tamil Nadu Undertaking),
Thiru. Vi.Ka.Industrial Estate, Guindy,
Chennai-600 032.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the Writ of Declaration declaring that the Land Acquisition proceedings initiated by the 1st respondent by Section 4 (1) Notification in G.O.Ms.No.130 Electronics, Science and Technology (C) dated 02.11.1988 and Section 6(1) Declaration bearing G.O.Ms.No.941 Industries (S.I.F.2) Department dated 18.12.1989 in so far they relates to the petitioner's land measuring 93 cents in S.No.673/1A Hosur Village and Taluk, now in Krishnagiri District 'as lapsed'.

For Petitioner :Mr.V.Ravi

For Respondents :Mr.RM.Muthukumar

Government Advocate for RR 1 & 2
Mr.Mrs.Sudharsana Sunder for R3

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ORDER

The petitioner has come before this Court seeking writ of declaration, declaring that the land acquisition proceedings initiated by the first respondent to acquire the land of the petitioner measuring 93 cents in G.O.Ms.No.130 Electronics, Science and Technology (C) dated 02.11.1988 and Section 6(1) Declaration bearing G.O.Ms.No.941 Industries (S.I.F.2) Department dated 18.12.1989 as null and void.

2. Heard the learned counsel appearing for the petitioner and Mr.RM.Muthukumar, learned counsel appearing for the first and second respondents and Mr.Sudharsana Sundar, learned counsel appearing for the third respondent. It is brought to the notice of this Court already W.P.No.8734 of 2008 was filed by the petitioner seeking re-conveyance of his property and the said writ petition was disposed of on 10.04.2008 with a direction to the respondents to decide the matter on merits.

3. Though, Mr.Ravi, learned counsel appearing for the petitioner would submit that the award amount was not paid and possession was not taken, this court summoned the back papers in W.P.No.8734 of 2008 and perused the records. In paragraph-3 of the affidavit filed in the said writ petition it had been stated that the possession of the petitioner's land was taken by the respondents and the land remains un-utilised and therefore, the petitioner sought for re-conveyance. When that is the position, with blatant lie, the petitioner has approached this Court, as if the possession has not been taken.

4. Merely because, the new Act was enacted that will not allow the party to come out with a false story. Though heavy costs of Rs.1,00,000/- has to be slapped on the petitioner for misleading the Court by giving false information and suppressing the material facts, taking into consideration of the age of the petitioner i.e. 76 years, due to judicial restraint, this Court does not award any costs, however, with a warning not to indulge this kind of practice in future, this court dismisses the writ petition. No costs. Consequently the connected M.P.No.1 of 2015 is closed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To:

- 1.The Secretary to the Government of Tamil Nadu
Electronics Estate Science & Technology Department
Fort St.George, Chennai-600 009.
- 2.The Sub Collector and
Land Acquisition Officer, Hosur.
- 3.The Managing Director
Small Industries Development Corporation Ltd., (SIDCO),
(A Government of Tamil Nadu Undertaking),
Thiru. Vi.Ka.Industrial Estate, Guindy,
Chennai-600 032.

- 1 cc to Mr.V. Ravi, Advocate, Sr. 50660
1 cc to Mrs. Sudharshana sunder, Advocate, Sr. 50412
1 cc to the Government Pleader, Sr. 50575

W.P.No.27331 of 2015

GR (CO)
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