

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.37722 of 2015

Taurus Aromatics & Phytochemicals Ltd.,
Rep. by Mr.K.O.Isaac, Director,
#55, 3rd East Street, Kamaraj Nagar,
Thiruvannamiyur, Chennai - 600 041. .. Petitioner

Vs.

- 1.The Govt. of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Dept. of Revenue, Fort St. George,
Chennai - 600 009.
- 2.The Commissioner Land Reforms,
Chempauk, Chennai - 600 005.
- 3.The Assistant Commissioner Land Reforms,
Madurai - 625 002. .. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to pass orders on the representation dated 28.03.2013 sent by the petitioner pursuant to the directions issued by this Court dated 02.11.2006 passed in W.P.No.11306 of 2006 within a time fixed.

For Petitioner... Mr.M.K.Kabir, Senior Counsel
for Mr.S.S.Swaminathan

For Respondents.. Mr.R.Rajeswaran
Special Government Pleader

ORDER

Heard Mr.M.K.Kabir, learned Senior Counsel assisted by Mr.S.S.Swaminathan, learned counsel for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader for respondents.

2.The petitioner seeks for a direction to consider the petitioner's representation dated 28.03.2013 which has been sent by the petitioner pursuant to the direction issued by this Court in an earlier writ petition in W.P.No.11306 of 2006 dated 02.11.2006. The said writ petition was filed by the

petitioner challenging the Government Order dated 17.03.2004. By the said order, the petitioner's claim for exemption was rejected on the ground that the petitioner has not produced the ITCOT Report.

3.This Court, by order dated 02.11.2006, remanded the matter for fresh consideration and the petitioner was directed to file the ITCOT Report along with the copy of the Court order and the 1st respondent was directed to consider the application under Section 37 A of the Tamil Nadu Land Reforms Ceiling and Regulation Act and pass orders in accordance with law within a period of six weeks. This direction was complied by the petitioner by submitting a representation dated 17.11.2006. Pursuant thereto, the 1st respondent, vide proceedings dated 28.11.2006, convened a meeting of the Industrial Exemption Committee on 06.12.2006 and the petitioner was requested to attend this meeting. It appears that the petitioner attended the meeting but nothing transpired thereafter. This necessitated the petitioner to file another representation dated 11.04.2011 reiterating the earlier request followed by reminders dated 19.11.2012, 28.03.2013 and 06.05.2013. It appears that during 2013 some action was taken and the 1st respondent, by proceedings dated 29.05.2013, addressed the District Revenue Officer, Dindigul directing him to inspect the lands and send a detailed report regarding the holdings of the company, utilization and present status of the lands and the project. Further, the said communication stated that this is most urgent since it involves a High Court direction and there is a likelihood of contempt petition being initiated. Thereafter for nearly one year nothing happened. Therefore, the petitioner issued a contempt notice on 14.02.2014. Thereafter, the 1st respondent sent a communication to the counsel for the petitioner on 26.02.2014 stating that their application is under active examination of the Government in consultation with the Principal Secretary and Commissioner of Land Reforms, Chennai and further informed the petitioner that a final report on the action taken in this regard will be sent to them in due course. However, more than 1 1/2 years have elapsed, till now nothing has progressed which has necessitated the petitioner to approach this Court. When the writ petition came up for admission on 26.11.2015, this Court directed the learned Special Government Pleader to get instructions as to whether the petitioner's application for exemption is still pending and what action has been taken.

4.Today when the matter is taken up for hearing, the learned Special Government Pleader, on instructions from the officials, who are present in Court, submits that the matter is still pending consideration and the 1st respondent will consider the matter within a period of eight weeks from the date of receipt of a copy of this order.

5.It has to be noted that this application under Section 37 A of the Act was submitted by the petitioner pursuant to the directions issued by this Court in the earlier writ petition by order dated 02.11.2006. In the said order, there was a specific direction that the 1st respondent should consider and pass orders in accordance with law within a period of six weeks. The inaction on the part of the 1st respondent is clear breach of direction issued by this Court in the earlier writ petition warranting action for contempt. However, considering the submission made by the learned Special Government Pleader on behalf of the respondents that the Government will consider the matter within a period of eight weeks, this Court is inclined to issue appropriate directions in this regard.

6.In the result, the Writ Petition is disposed of by directing the 1st respondent to consider the petitioner's application for grant of permission under Section 37 A of the Act and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to authorised representative of the petitioner. No costs.

Sd/
ASSISTANT REGISTRAR (CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

Sgl

To

1. The Principal Secretary to Government,
The Govt. of Tamil Nadu,
Dept. of Revenue, Fort St. George,
Chennai - 600 009.

2.The Commissioner Land Reforms,
Chepauk, Chennai - 600 005.

3.The Assistant Commissioner Land Reforms,
Madurai - 625 002.

+1 CC to MR.S.S.Swaminathan Advocate. SR.NO. 66658
+1 CC to Govt.Pleader. SR.NO. 66922

W.P.No.37722 of 2015

CO-ALA

JD 04/01/2016