

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.4526 to 4528 of 2015

and

M.P.Nos.1 and 2 of 2015

G.Kavitha [Petitioner in W.P.No.4526/15]
K.Suganthi [Petitioner in W.P.No.4527/15]
P.Govindammal [Petitioner in W.P.No.4528/15]

Vs

- 1 The Government of Tamilnadu
Rep by its Secretary Revenue Department
Fort St.George Chennai 9
- 2 Tamilnadu Small Industries
Development Corporation Rep by its Managing
Director SIDCO Thiruvika Industrial Estate
Guindy Chennai 32
- 3 The District Collector
Salem District Salem
- 4 The Branch Manager
Tamilnadu Small Industries Development
Corporation Five Roads Salem 4

सत्यमेव जयते

.. Respondents

Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records from the fourth respondent relating to the issue of two proceedings having the sane no.namely Rc.No.524/C/2001 dated 24.03.2014 and 13.01.2015 in respect of Plot No.99/148/121 in SIDCO Women Industrial Park at Karuppur Omalur TK Salem Dt and quash the same and consequently to direct the respondents to fix the cost of the said industrial plots afresh only by taking 50% of the market value of the lands as obtained during the year 2001-02 and to furnish complete working details of the cost of plot so fixed to the petitioner and thereafter to demand the additional amount form or to repay the excess amount already paid to the petitioner as

the case may be and further to direct the respondents to execute in favour of the petitioners' respective sale deeds, taking the cost of the plots fixed as aforesaid as market value and by exempting the stamp duty for the same.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.S.Gunasekaran
Government Advocate
for RR1 and 3
Mr.Abdul Saleem
for RR2 and 4

COMMON ORDER

Heard Mr.N.Subramaniyan, learned counsel for the petitioner, Mr.S.Gunasekaran, learned Government Advocate appearing on behalf of respondents 1 and 3 and Mr.Abdul Saleem, learned counsel appearing for respondents 2 and 4.

2. The relief sought for in all the writ petitions are identical and therefore, all the writ petitions are heard together and are disposed of by this common order.

3. When the matters are taken up for hearing, learned counsel for the petitioners submitted that the issue involved in these writ petitions are covered by the decision rendered by this Court in W.P.Nos.29883 and 29997 of 2014 dated 22.01.2015.

4. In Paragraph Nos.15 to 17 of the order passed In W.P.Nos.29883 and 29997 of 2014 dated 22.01.2015, this Court has held as follows:-

"15. The Committee in its resolution has requested the Secretary, Revenue Department to follow up the issue closely and obtain orders in circulation at the earliest and issue orders. Thus the recommendations which were placed before the Government, which is subsequent to the passing of the Government Order in G.O.Ms.No.172 Revenue [NiMu7(i)] Department dated 11.06.2013. However, the Committee did not recommend any collection of land cost on the date of transfer but recommended collection at 50% of the market value on the date of allotment. This is the view taken by the State Level Single Window Clearance Committee dated

14.02.2014 consisting of Secretaries to the Government under the Chairmanship of the Chief Secretary to Government. Therefore, a serious thought should be given by the respondents to these issues, when the Government themselves have realized that it is unreasonable to demand the cost prevailing as on the date of transfer.

16. For all the above reasons, it is held that the petitioners cannot be called upon to pay the enhanced cost as contemplated in the impugned demand though SIDCO is said to have been called upon to pay pursuant to the proceedings issued by the District Collector dated 10.09.2013. The petitioners, not being a party to any of the proceedings, which culminated in the Government Order in G.O.Ms.No.172 Revenue [(Nimu 7(i)) Department dated 11.06.2013 cannot be ordered to pay the impugned demand based on such Government Order and as a consequence, there is no necessity for the petitioners to challenge the said Government Order.

17. In the result, both these writ petitions are allowed and the impugned demand dated 24.03.2014 and the consequential notice dated 13.01.2015 are quashed and the respondents are directed to consider the petitioners case for execution of sale deeds as expeditiously as possible. No costs. Consequently, the connected miscellaneous petitions are closed".

5. Following the same, these writ petitions are also allowed and the impugned demand dated 24.03.2014 and 13.01.2015 are quashed and the respondents are directed to consider the petitioners case for execution of sale deeds as expeditiously as possible. No costs. Connected miscellaneous petitions are closed.

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Sd/-

Asst.Registrar (CO)

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Sub Asst. Registrar

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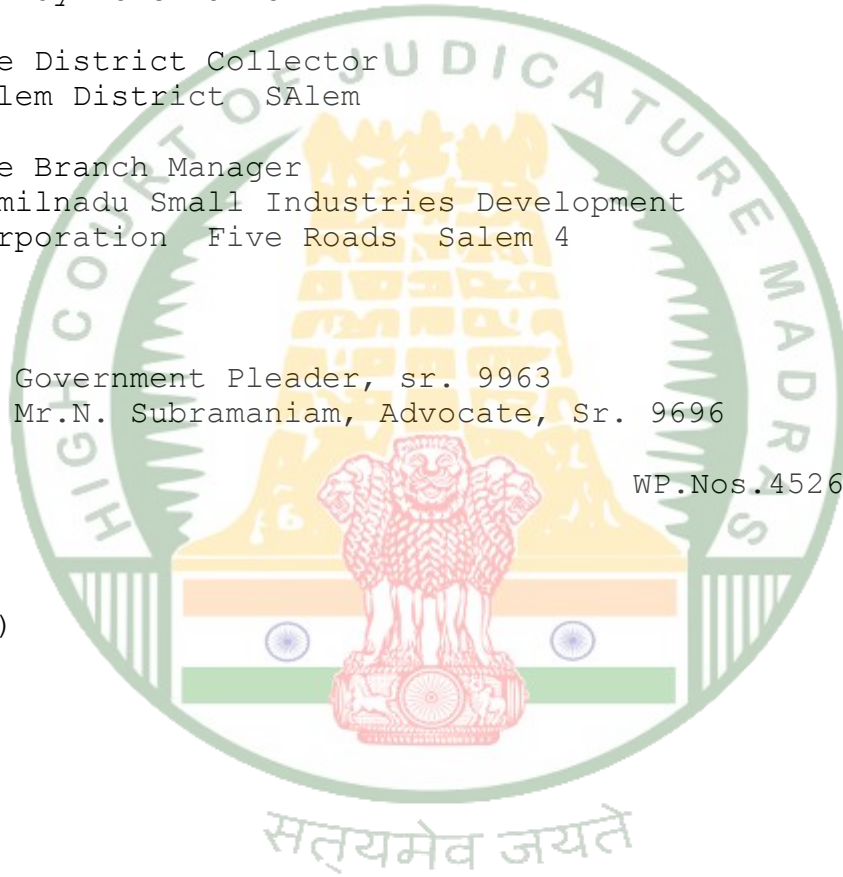
To

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- 1 cc to Government Pleader, sr. 9963
1 cc to Mr.N. Subramaniam, Advocate, Sr. 9696

WP.Nos.4526 to 4528 of 2015

VSN (CO)
kk 2/3



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