

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2015

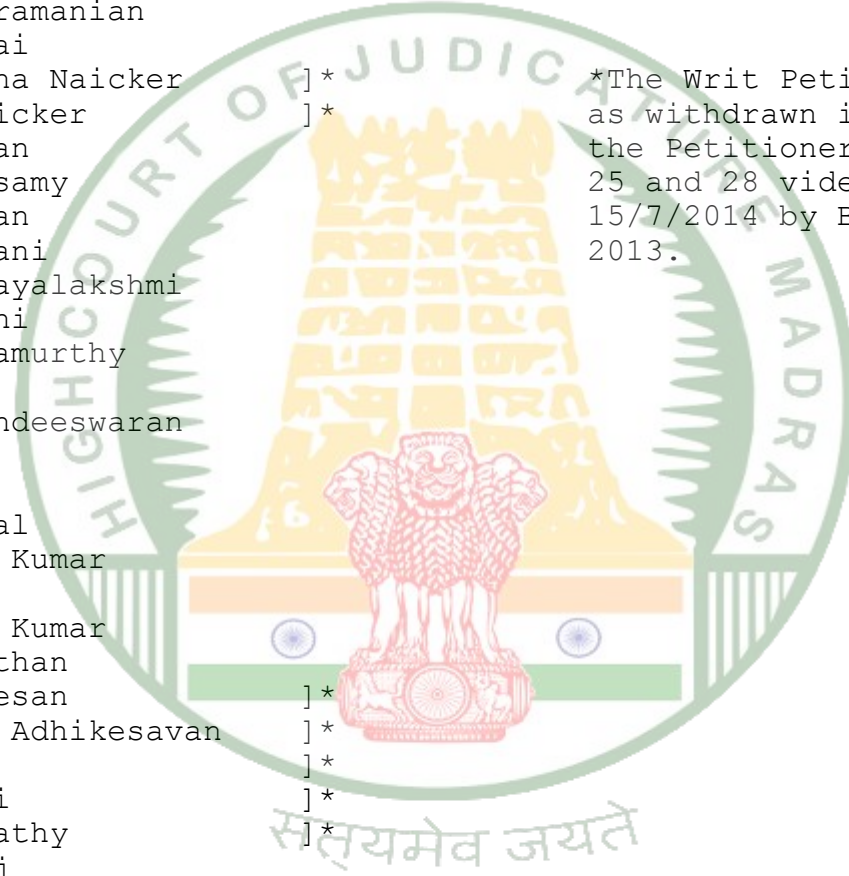
CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P. No.13083 of 2013 &
M.P.Nos.2 & 3 of 2013

- 1.L.C.Subramanian
- 2.Annamalai
- 3.Lakshmana Naicker]*
- 4.Mari Naicker]*
- 5.Murugesan
- 6.Krishnasamy
- 7.Ravimohan
- 8.Pushparani
- 9.V.S.Vijayalakshmi
- 10.Jayanthi
- 11.Krishnamurthy
- 12.Sundar
- 13.Jalagandeeswaran
- 14.Delli
- 15.Selvi
- 16.Munnalal
- 17.Dileep Kumar
- 18.Guna
- 19.Sanjay Kumar
- 20.Loganathan
- 21.Venkatesan]*
- 22.Adhi @ Adhikesavan]*
- 23.Raman]*
- 24.Lakshmi]*
- 25.Roopavathy]*
- 26.Devaraj
- 27.K.S.Navukkarasu
- 28.Kanchana]*
- 29.Sivakumar
- 30.Lingaperuman
- 31.Natarajan
- 32.Kalaiselvi
- 33.Lakshmi Narayanan
- 34.Nazar
- 35.Kunnaram
- 36.Uddhamchand
- 37.T.Ganesh

*The Writ Petition is dismissed as withdrawn in respect of the Petitioner Nos.3,4, 21 to 25 and 28 vide order dated 15/7/2014 by BRJ in WP.13083/2013.



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... Petitioners

v.

1. State of Tamil Nadu,
Represented by Principal Secretary to Government
Industries (SIPCOT-LA) Department,
Secretariat, Chennai - 600 009.
2. The Principal Secretary to Government,
and Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
3. The District Collector,
Thiruvannamalai.
4. The Special District revenue Officer (LA),
SIPCOT-LA
26, Kasikara Street,
Cheyyar,
Thiruvannamalai District.
5. The Special Tahsildar,
SIPCOT Extension (Land Acquisition)
Unit 1, 26, Kasikara Street,
Cheyyar,
Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus, calling for the records in G.O.(Ms) No.22 Industries (SIPCOT-LA) Department, dated 07.02.2013 and quashing the same and directing the respondents to fix the rates for the lands covered by the said G.O. afresh after hearing the petitioners within a reasonable time as may be determined by the Honourable Court.

For petitioners : Mr.M.Radhakrishnan

For Respondents : Mr.S.Pattiabiraman
Govt. Advocate

ORDER

The writ petition has been filed by the petitioner to issue a writ of certiorarified mandamus, calling for the records in G.O.(Ms) No.22 Industries (SIPCOT-LA) Department, dated 07.02.2013 and to quash the same and directing the respondents to fix the rates for the lands covered by the said G.O. afresh after hearing the petitioners, within a stipulated time.

2. When the matter is taken up for hearing, Mr.S.Pattiabiraman, learned Government Advocate, appearing for the respondents submitted that the 5th respondent had already issued notice under section 7(5) and 7(7) of the Tamil Nadu Acquisition of Land for Industrial Purpose Act 1997 (TN Act 10/1999) [hereinafter referred to as "Act"].

3. In the affidavit filed in support of the writ petition, the petitioners have contended that they were not heard by the respondent-authorities or by the District Collector, Thiruvannamalai under section 7(5) of the Act and since the provisions of section 7 (5) of the Act were not complied with by the respondents before determining the amount payable to the petitioners in respect of the land acquired, the said G.O.(Ms) No.22 Industries (SIPCOT-LA) Department, dated 07.02.2013, is arbitrary and violative of Articles 14 and 21 of the Constitution. Further, they have contended that since the said G.O. has been issued without hearing the petitioners, the G.O., so far as it relates to the fixation of rate per acre of the lands of the petitioners acquired, is violative of the principles of natural justice. Hence, the petitioners have filed this writ petition.

4. Now, it is brought to the notice of this court that the respondents had issued notice under sections 7(5) and 7(7) of the Act.

5. In these circumstances, the respondents are directed to fix the value of the land as per the provisions of sections 7(5) and 7 (7) of the Act, without taking into consideration the G.O.(Ms) No.22 Industries (SIPCOT-LA) Department, dated 07.02.2013.

6. Since the respondents had issued notice under section 7 (5) and 7(7) of the Act, the relief sought for in the writ petition has become infructuous. Hence, the writ petition is dismissed as infructuous. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Rj

-s/d-
Assistant Registrar(CS-III)
Dt:16/2/2015

True Copy

Sub-Assistant Registrar

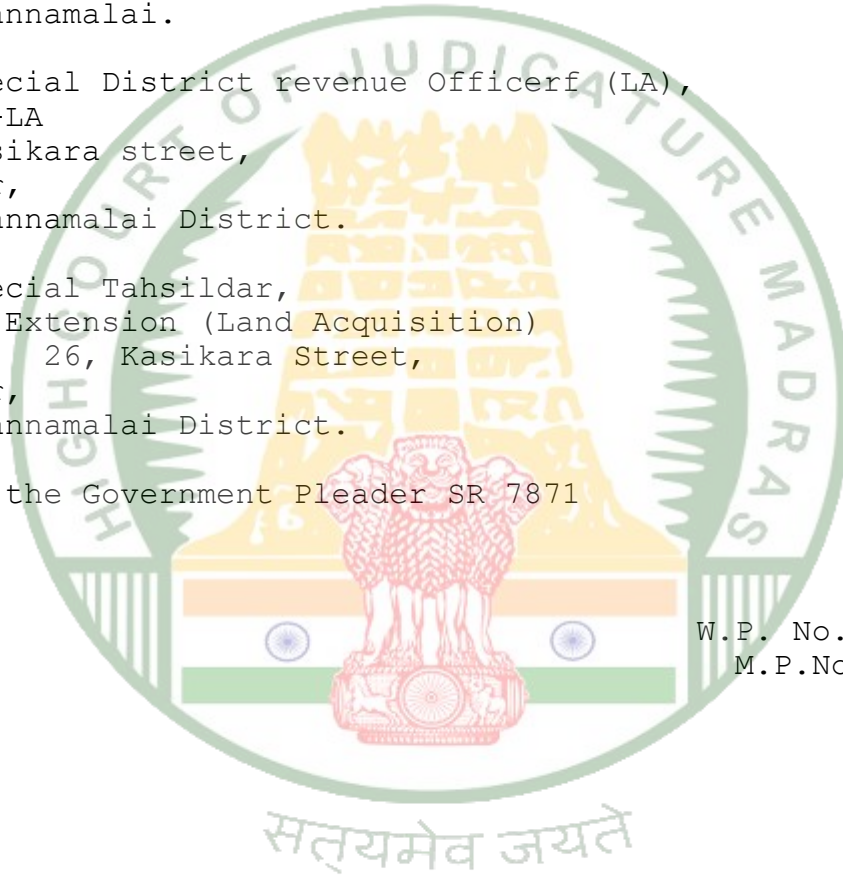
To

1. The Principal Secretary to Government Industries (SIPCOT-LA) Department, Secretariat, Chennai - 600 009.
2. The Principal Secretary to Government, and Commissioner of Land Administration, Chepauk, Chennai - 600 005.
3. The District Collector, Thiruvannamalai.
4. The Special District revenue Officerf (LA), SIPCOT-LA
26, Kasikara street,
Cheyyar,
Thiruvannamalai District.
5. The Special Tahsildar,
SIPCOT Extension (Land Acquisition)
Unit 1, 26, Kasikara Street,
Cheyyar,
Thiruvannamalai District.

+ 1 cc to the Government Pleader SR 7871

vd(co)
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W.P. No.13083 of 2013 &
M.P.Nos.2 & 3 of 2013



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