

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON 23/12/2014

DATED:08/01/2016

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.22944 of 2011

and

M.P.No.2 of 2011

and

M.P.No.1 of 2014

T.K.Appachi

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Industries Department,
Fort St. George,
Chennai - 600 009.

2.The Revenue Divisional Officer,
Erode, Erode District.

3.The Managing Director,
SIDCO, Guindy, Chennai.

4.The Branch Manager,
SIDCO, Chennimalai Road,
Erode.

5.The Tahsildar,
Avinashi, Avinashi Taluk,
Tiruppur District.

6.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.

7.The Tahsildar,
Avinashi, Tiruppur District.
(R6 & R7 - Impleaded as per order
dated 15.11.2011 by this Court in
MP.Nos.3, 3 & 4 of 2011 in
WP.Nos.22943 to 22945 of 2011)

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus, calling for the entire records of the first respondent in his Letter No.26/Kuru.Siru(M)Na.Tho.Ni(C) Department dated 25.08.2011 and Quash the same in so far relates to petitioner is concerned, consequently direct the respondents to re-convey the lands made under section 48-B of Land Acquisition Act situated in S.Nos.129/1, 129/2, 132 and 138/5, 7 of Vadamugam Kangayampalayam Village, Avinashi Taluk, Tiruppur District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.M.S.Ramesh
(for R1, R2, R5 to R7)
Additional Government Pleader

Mr.V.P.Sengottuvel (for R3 and R4)

O R D E R

The short facts of the case are as follows:-

The petitioner has submitted that he is the owner of lands bearing S.Nos.129/1, 129/2, 132 and 138/5, 7 of Vadamugam Kangayampalayam Village, Avinashi Taluk, Tiruppur District and the pattas of the lands stand in the name of the petitioner. The petitioner and his family members purchased these lands for the purpose of establishing a Ginning factory and his family members have started industry under the name and style of Sri Gowri Textiles and the same had been registered as a Small Scale Industry by the District Industries Centre, Periyar District by order in T.No.2203/90, dated 24.12.1990. He has further submitted that in the year 1989, the respondent issued a notification under Section 4(1) of the Land Acquisition Act in G.O.Ms.No.514, Industries (SICI), dated 02.08.1989 for acquisition of the above said land. After knowing the above 4(1) notification the petitioner approached the respondent and explained to the authorities that they have purchased the lands in the year 1990 for the purpose of starting industry and when the 5-A enquiry was conducted by the concerned authority, the petitioner had participated in the said 5-A enquiry and made their objections, but the remarks offered by the acquisitioning body were not furnished to the owners of the lands as required under rule 3(B) of the Land Acquisition Rules. In spite of that, the respondent passed orders under Section-6 declaration, declaring that the said lands were acquired by issuing the G.O.Ms.No.950/Industries (SICI), dated 06.09.1990. In the said 6 declaration, the petitioner's name was published against which the petitioner has filed

W.P.No.5499 of 1999, challenging the Award Order. When both the matters came up for hearing before this Court, this Court was pleased to give directions to the respondent for considering the allotment of site to the petitioner for the purpose of starting industries, against which he and his family members and other land owners preferred a Writ Appeal Nos.2163 of 1999 and 2164 of 1999 and the above writ appeals were dismissed by this Court on 02.02.2000 with observation that the respondent should consider the request of the appellants for allotment of industrial site from the acquired lands. The petitioner has stated that when the 4(1) notification was issued in G.O.Ms.No.950, Industries (SIC), dated 06.09.1990, not only their lands were acquired but also their neighbours land to the extent of 32 acres were acquired in the same notification. Hence totally 52 acres of lands were acquired for the purpose of starting small scale industries and the land owners of the said 32 acres have filed W.P.Nos.15612 and 15886 of 1991 and 15885 of 1991 challenging the notification before this Court. When the above writ petitions came up for final hearing, this Court was pleased to set aside the entire acquisition proceedings. Now the respondents have only 20 acres of land acquired in the year 1990 for implementation of the scheme. Hence, the object of the said scheme has not been fulfilled, since already 32 acres of land have been left out from the acquisition proceedings and the respondent cannot implement the scheme derived in the year 1990 for the entire scheme.

2.He has further submitted that against the order passed in W.P.Nos.15612, 15885 and 15886 of 1991, the third respondent preferred review applications in Review Application Nos.58, 59, 60 of 2000 before this Court and this Court was pleased to dismiss the above review application on 29.07.2010. He has further submitted that they have purchased the said land in the year 1989 and 1990 and after purchase of the said lands, they have invested a huge amount for development and they have cultivated 100 coconut trees in the said land and also dug 2 bore-wells for irrigation purpose and constructed very big godown for the purpose of starting industries in the year 1990 itself, and they have also registered the said godown for running industries in the name and style of Sri Gowri Textiles. The above said textiles was registered as a small scale industries by the District Industry Centre, Periyar District by orders made in T.No.2203/90, dated 24.12.1990 and he had also constructed a house in the said land and he is living in the said house and also there was iron fencing erected in and around the said land. The petitioner has stated that the Government of Tamil Nadu through its corporation by name SIPCOT (State Industrial Promotion Corporation of Tamilnadu) and THADCO had acquired hundreds of acres for the purpose of starting industries and small scale industries in and near by their village, viz.,

Mudaliapalayam and also the Government invested hundreds of crores for development in the said land and constructed the industrial units. To that effect, the Government announced to give concession to the industrial persons by giving subsidy, concession in electric charges and long term loans, inspite of it, now 50% of the said industrial units, till today, are lying vacant and nobody has come forward to purchase the same. The above industrial units were started in the year 1995, but nobody has come forward to start industries in the said locality.

3.He has further submitted that in the year 1990 the industrial development and growth had fastly developed and by considering the said growth, their lands were acquired for starting new industrial units, since the land acquisition proceedings were stayed by this Court and the respondent is not able to start units, the respondents acquired some other hundreds of acres in nearby their village and started the SIPCOT and Hosieries Export Zone Units, eventhough in the SIPCOT nobody has come forward to purchase the said industrial plots for the purpose of starting industries. He has further submitted that for the past 5 years, in that locality, no industries were started due to set back of industries, eventhough 1500 crores of rupees were dumped in the said area by the Government for inviting the industrial persons to start industry. But for the past 5 years, only 20% of the industrial units were sold out. He has further submitted that in these circumstances, they have made application to the Government requesting them to re-convey their land on 15.10.1999 but no orders have been passed by the first respondent and hence, once again they made application under Section 48-B of the Land Acquisition Act on 01.12.2000.

4.He has further submitted that eventhough they made representations on 01.12.2000 under Section 48(B) of Land Acquisition Act, the respondents had not at all passed any orders and hence, he had approached this Court by way of filing writ petition No.590 of 2001 and this Court was pleased to pass orders on 11.01.2001, directing the first respondent to consider and dispose his written representations dated 15.10.1999 and 01.12.2000 in accordance with law within the period of two months from the date of receipt of the order, but the first respondent did not consider the same and pass orders as per orders passed by this Court within stipulated time but the second respondent subsequently passed orders, rejecting their applications in his proceedings No.Na.Ka.7676/88 A3, dated 02.09.2001 and the same was received by them in the last week of November 2001. He has further submitted that the second respondent has no jurisdiction to pass the impugned order since as per Section 48(B) of Land Acquisition Act, the Government alone has power to pass an order on the representations made under Section 48

(B) of Land Acquisition Act. Hence, he has no other alternative except to approach this Court and he filed W.P.No.25850 of 2001. When the above writ petition came up before this Court on 18.01.2002, this Court was pleased to pass orders as follows:

"3.I have also heard the learned Government Pleader. It is not disputed that the appropriate authority to pass the order U/s.48-B of the Act would be only the Government and not the authority who has now passed the impugned order. It is also seen that in W.P.No.590 of 2001, the only respondent who was impleaded was the Government and the direction of this Court is only to the Government to pass appropriate orders.

4.Therefore, the impugned order passed at the instance of the second respondent, cannot be sustained. In the result, the above writ petition is allowed with a liberty to the respondent to proceed further in accordance with law. It is open to the Government to pass appropriate order after giving a notice to the petitioner. Till appropriate orders are passed by the Government as aforementioned, the possession of the petitioner shall not be disturbed, if the petitioner is continuing in possession of the property.

5.With the above observation, the writ petition is allowed".

5.He has further submitted that after disposal of the above writ petition, the first respondent herein has not passed any orders on their written representations made under Section 48-B of Land Acquisition Act for re-conveyance of their land situated in S.No.129/1, 129/2, 132 and 138/5, 7 Vadamugam Kangayampalayam Village, Perundurai Taluk, Erode District, but on the other hand, the requisite body i.e., SIDCO have decided to drop all further proceedings of Land Acquisition. In this connection the Revenue Divisional Officer, Erode have issued communication to them, to appear before him in regard to get back compensation from land owners if paid already and re-convey the land. Accordingly on 01.04.2003 they have attended the enquiry before the Revenue Divisional Officer, Erode and gave statement that they were ready to get back the land and also explained that they did not receive any money as compensation from Government. The petitioner has submitted that the Revenue Divisional Officer submitted his report to the SIDCO as well as Government stating that the land may be re-conveyed to the land owners. But in this connection, no orders has been passed by the first respondent till today. He has further submitted that in the year 1991 when the land owners whose lands were acquired by one and same notification along with their land, moved before

this Court challenging the Land Acquisition Proceedings, this Court was pleased to quash the 4(1) notification and 6 declaration and hence out of 52 acres the 32 acres acquired were quashed from the entire land Acquisition Proceedings and remaining 20 acres alone still available. He has further submitted that the requisite body decided not to implement the scheme, since 30 acres lands were already not with hands of SIDCO, since this Court quashed the entire Land Acquisition Proceedings in so far as it relates to above said 30 acres.

6.He has further submitted that eventhough the respondents decided to drop all acquisition proceedings in this connection, the Revenue Divisional Officer, Erode conducted the enquiry and submitted his report in the year 2004, but till today the first respondent has not passed any orders and hence in the said circumstances and hence he has no other alternative except to approach this Court and filed writ petition in W.P.No.33033 of 2007, praying for issue of writ of Mandamus, order or direction in the nature of a writ, directing the second respondent to pass an order on the enquiry conducted by second respondent as per his proceedings No.Na.Ka.7673/88/A-3, dated 03.03.2003. When the above writ petition came up before this Court on 12.10.2007, this Court ordered Notice of Motion returnable by four weeks which is pending before this Court. He has further submitted that when the above writ petition is pending before this Court, the respondents 2 to 5 were taking severe steps to take possession from them and on 07.05.2008 they made an attempt to erect fence surrounding their land, that too without considering the order passed by this Court in W.P.No.25850 of 2001. In the said circumstances he approached this Court and filed W.P.No.12145 of 2008 praying for forbearing the respondents from taking possession of their land situated in S.Nos.129/1, 129/2, 132 and 138/5,7 of Vadamugam Kangeyampalayam Village, Avinashi Taluk, Tiruppur District.

7.He has further submitted that when the above writ petition came up before this Court on 09.12.2009, this Court was pleased to pass orders, whereby, the Court disposed the above writ petition along with other writ petitions directing the first respondent to consider the application made by the petitioner under Section 48-B of Land Acquisition Act on merits and in accordance with law within a period of 6 weeks from the date of receipt of copy of this order and also observed that their possession cannot be disturbed, if they continue to be in possession as per order already passed by this Court in W.P.No.25850 of 2001. After disposal of the above writ petition, the first respondent, after lapse of nearly 10 years, has now rejected his request made under Section 48-B of Land Acquisition Act in this Letter No.26/Kuru.Siru(M)Na.Tho.Ni(C) Department dated 25.08.2011 and the same was received by him on 19.09.2011 through the fourth

respondent herein. He has further submitted that the first respondent, without passing any detailed order has rejected his request made under Section 48-B of Land Acquisition Act for re-conveyance and passed the impugned order which is illegal and arbitrary. Hence, the above writ petition.

8.The common counter affidavit has been filed on behalf of the third and fourth respondents namely the Managing Director and Branch Manager attached to the SIDCO. The same has been adopted by the first respondent namely the Secretary, attached to the Industrial Department.

9.The third respondent has submitted that proposals under Section 4(1) Notification of the Land Acquisition Act 1894 were sent to the Government for the acquisition of 20.02.5 Hec. of land in the following Survey fields in Vadamugam Kangeyampalayam Village, Perundurai Taluk, Periyar District for the formation of an Industrial Estate by the Tamil Nadu Small Industries Development Corporation Limited.

S.No. understand	Total Extent	Area covered Acquisition
	H.A.	H.A.
98/1A	1.80.5	1.78.5
129/1	0.90.5	0.90.5
129/2	2.29.0	2.29.0
132	2.45.0	2.45.0
136	5.66.0	5.66.0
137/1	1.88.5	1.88.5
137/2	1.89.5	1.89.5
138/1	0.03.0	0.03.0
138/2	1.57.5	1.57.5
138/3	0.28.5	0.28.5
138/4	0.33.0	0.33.0
138/5	0.31.0	0.31.0
138/6	0.26.0	0.26.0
138/7	0.09.5	0.09.5
138/8	0.07.5	0.07.5
138/9	0.19.5	0.19.5
	20.04.5	20.02.5

10.He has further submitted that the Notification under Section 4(1) of the Land Acquisition Act 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") was approved in G.O.Ms.No.514 Industrial Department dated 02.08.1989. The same was published in Tamil Nadu Government Gazette dated 16.08.1989 (No.32 C Part II Sec.2 Supplement) and in the local dailies Dinamalar and Theekathir dated

18.08.1989. The substance of the notification was also published in the locality on 07.09.1989 by beat of "tom tom". He has further submitted that at the time of 5A Enquiry held on 30.10.1989 and 12.12.1989, most of the land owners appeared and presented petitions objecting for the acquisition of the land. The land owners have pleaded to exclude their land from acquisition on the ground that they are all under the category of small farmers. With reference to the said objection, the reply of the Tahsildar, Perundurai is that they did not come under the category of small farmers. Accordingly, on the basis of the remarks of the requisitioning body as well as after providing one more opportunity to the land owners, the land acquisition officer conducted further enquiry and proceedings were issued under Section 5A(2) of the said Act on 09.07.1990. Apart from this, admittedly, the petitioners in W.P.Nos.22944 of 2011 and 22945 of 2011 purchased the lands during the year 1990 i.e. after 4(1) Notification.

11.He has further submitted that the following lands now claimed to have been purchased by the petitioners in W.P.Nos.22944 and 22945 of 2011 belonged to the following persons on 02.08.1989 the date of Sec.4(1) Notification:

S.No. Extent (Hec.)	Survey No.	Name of the Pattadar	
01.	129/1	Karuppa Gounder	0.90.5
02.	129/2	Rajammal	2.29.0
03.	132	Kanthamalai Gounder	
		Karuppa Gounder	2.45.0
		Ammasai Gounder	
04.	138/5	Nachimuthu Gounder	0.31.0
05.	138/7	S.Karuppannan	0.90.5

12.He has further submitted that the petitioner in W.P.No.22944 of 2011 and his father V.Karuppasamy and brother K.Ramalingasamy purchased the above land as follows:

S.No. Regn.	Survey No.	Document No.	Date of
01.	129/1	1359/89	20.09.89
02.	129/2	119/90	21.02.90
03.	132	113 to 116/90	19.02.90
04.	138/5, 7	945/90	18.12.90

13.He has further submitted that the Land Acquisition Officer conducted an enquiry under Section 5A of the said Act on 12.12.1989 and again on 29.06.1990 after furnishing the

remarks sent by the respondent herein to the Writ Petitioner. He has further submitted that on 09.07.1990 the Land Acquisition Officer after carefully considering the objections made by the land owners and the remarks furnished by this respondent in its proceedings under Section 5(a)(z) in Ref.7673/88 A8 dated 09.07.1990 over ruled the objections made by the petitioner and the same was served on the land owners through the Village Administrative Officer concerned. He has further submitted that the Government of Tamil Nadu on 06.09.1990 approved Section 6 Declaration in G.O.Ms.No.950 Industries Department and the same has been published in the Government Gazette. He has submitted that Section 6 Declaration also came to be published on 07.09.1990 in two daily News Papers "Alai Osai" and "Makkal Kural" and the substance of the Notification was published in the locality by beat of "Tom Tom" on 06.09.1990. He has submitted that the draft declaration under Section 7 of the Land Acquisition Act was approved by the Government and the same was published in Tamil Nadu Government Gazette dated 12.12.1990 No.48A Part-II Section.2. The enquiry under Section 11 of the Land Acquisition Act had been conducted on 03.05.1991 and an Award was passed on 16.09.1991 in Award No.2/91.

14.He has further submitted that the petitioner in W.P.Nos.22944 of 2011 and V.Karupphasamy and K.Ramalingasamy challenged the Land Acquisition proceedings in W.P.No.5499 of 1991 before this Court and similarly the petitioners in W.P.No.22943 of 2011 challenged the land acquisition proceedings in W.P.No.14697 of 1991 before this Court. He has submitted that after the Land Acquisition Officer and the requisitioning body SIDCO filed their respective counter affidavits, this Court by its final order dated 24.06.1999 made in W.P.Nos.5499 and 14697 of 1991 dismissed the said Writ Petitions holding that there is no error or infirmity in the acquisition proceedings. It is submitted that after dismissal of the writ petitions this Court by its order dated 27.08.1999 on mentioning ordered as follows:-

"3.Now the learned counsel appearing for the petitioners wants some observation that, their request for allotment of Plot or site may be considered by the 3rd respondent. He also highlighted that, in as much as their main aim was apply to establish an industry and for that purpose they purchased the acquired lands, they may be given preference if they apply for a plot of site before the 3rd respondent.

4.In the light of the grievance expressed by the petitioners, it is made clear that if any such representation or application is made by them before the 3rd respondent for allotment of a plot or site

and if the same are permissible, their request may be considered."

He has submitted that the appeal filed by the said petitioners in W.A.Nos.2163 and 2164 of 1999 also came to be dismissed by the Division Bench of this Court by its order dated 02.02.2000.

15.He has further submitted that the Land Acquisition Officer on 30.09.1991 handed over possession of the lands comprised in Survey Nos.136, 137/1 and 137/2 totally measuring 9.44.0 Hec. to this respondent and on 15.10.1999 handed over possession of the lands comprised in Survey Nos.98/1, 129/1, 129/2, 132, 138/3, 138/5 and 138/8 totally measuring an extent of 8.10.0 Hec. to SIDCO. Therefore, these respondents are in possession of 17.54.0 Hec. of land out of 20.02.5 Hec. of land acquired. He has submitted that in view of the pendency of the appeal before this Court, the remaining lands measuring an extent of 2.48.5 Hec. are yet to be handed over to SIDCO. He has further submitted that some of the other owners namely Venkittammal, Andi Marappa Gounder and 3 others and Nachimuthu Gounder and 4 others challenged the acquisition proceedings in W.P.Nos.15612, 15885 and 15886 of 1991. This Court by an order dated 04.08.1999 allowed the writ petitions on the ground that the Land Acquisition Officer has not followed the procedures contemplated under Rule 3(b) of the Land Acquisition Rules, while proceeding under Section 5A enquiry. He has submitted that the Review Applications filed by these respondents in R.A.Nos.58 to 60 of 2000 also came to be dismissed by this Court by an order dated 29.07.2010. He has submitted that against the order made in the Review Applications, these petitioners herein filed Writ Appeal in W.A.Nos.2099 to 2101 of 2010 and the same came to be admitted by a Division Bench of this Court in its order dated 30.11.2010. Similarly, in the petitions to condone the delay in filing W.A.SR.Nos.85890, 85894 and 85899 of 2010 against the order dated 04.08.1999 this Court by its order dated 30.11.2010 issued notice to the respondents / writ petitioners.

16.He has further submitted that as 99 applications were received in the year 1992 itself seeking allotment of Industrial Plots, the Board of SIDCO in its 225th Meeting held on 14.03.2008 accorded administrative sanction to undertake the development works for the formation of Industrial Estate at Vadamugam Kangeyampalayam Village at an estimated cost of Rs.264 Lakhs. While construction wing of SIDCO has undertaken the basic works on the lands, Tvl.T.K.Appachi, T.Eswaramurthi and K.Muthusamy and three others have filed W.P.Nos.12145, 12146 and 12147 of 2008 respectively seeking interim injunctions and forbearing SIDCO from taking possession of the petitioner's land in Survey Nos.129/1, 129/2, 132, 138/5 and

138/7 of Vadamugam Kangeyampalayam Village and this Court have issued orders in M.P.Nos.1 and 2 of 2008 dated 13.05.2008 to the effect that neither of the parties should indulge nor any modification in the spot. He has submitted that this Court by its order dated 09.12.2009 directed the first respondent to consider the representation made by the petitioner herein for re-conveyance and pass final orders. He has further submitted that the first respondent herein after carefully considering the facts and circumstances of the entire acquisition proceedings and the need for establishment of an Industrial Estate, by its order dated 25.08.2011 rejected the representation made by the petitioner for re-conveyance under Section 48(b) of the said Act. He has submitted that this Court and the Hon'ble Supreme Court of India has repeatedly held that Section 48(b) of the said Act does not give the erstwhile land owners any right to claim re-conveyance as the said provision merely empowers the Government to re-convey, provided the conditions specified in the said Section are fulfilled. He has submitted that in the instant case this respondent is in the process of putting the lands acquired for the purpose for which it was acquired and they are going to implement the project immediately after disposal of the above mentioned Writ Appeals, as this respondent has been put in possession of 17.54.0 Hec. of land out of 20.02.5 Hec. of the land sought to be acquired. For the reasons stated in the foregoing paragraphs it is prayed that this Court may be pleased to dismiss the above writ petition.

17.The learned counsel Mr.C.Prakasam, appearing for the petitioner has submitted that the subject matter of the lands are belonging to the petitioner and the petitioner and his family members purchased these lands for the purpose of establishing a Ginning factory and his family members have started industry and the same had been registered. The respondent had issued notification in the year 1989 under Section 4(1) of the old Act. After publication, the petitioner approached the Land Acquisition Officer and other authorities to explain that the petitioner purchased the said land in the year 1990 for the purpose of starting industry. Besides, he also filed objections at the time of enquiry under Section 5A of the Act. The land owners particulars have not been furnished properly. Subsequently, declaration was passed under Section 6 of the Act. In the said declaration, the petitioner name was not published. Hence, the same was challenged and the award also was challenged, by way of another writ petition. Both writ petitions were dismissed. The learned counsel has further submitted that the respondents have acquired the subject lands as well as neighbour's lands to an extent of 52 acres. The other owner of the lands have challenged the acquisition proceedings before this Court and the same was set aside. Now, the respondents have only 20 acres of land for implementation of small scale industries.

As such, the said scheme has not been completely implemented.

18.The learned counsel has further submitted that the petitioner has dug two borewells for irrigation purpose and constructed very big godown. As such, the petitioner has invested huge amount over the said lands. The industrial units have been started in the year 1995 but nobody has come forward to start industries in the said area.

19.The respondents have spent a sum of Rs.1,500 crores to implement the scheme but as of now only 20% of the Industrial units have been sold out. Under the circumstances, the petitioner made representations to the respondents to re-convey their lands as per Section 48B of the Land Acquisition Act. The said representation was rejected arbitrarily. Further, the second respondent has no jurisdiction to pass the said rejection order. Therefore, the petitioner approached this Court to challenge the same by way of writ petition and it was allowed with liberty to the respondents to proceed with the matter in accordance with law. Accordingly, the notice has been issued to the petitioner for enquiry, wherein the petitioner informed to the respondent that they did not receive any compensation.

20.The very competent counsel has further submitted that the petitioner is cultivating his lands as of now. To that effect, the learned counsel has produced coloured photograph and it reveals that there is standing crop, farm house and paddy straw storage. Further, originally the respondents have acquired 52 acres lands for the purpose of Industrial Development, out of which 32 acres were discharged from the acquisition proceedings. Now, 20 acres of land alone are available. The requisite body decided not to implement the scheme. Therefore, the petitioner is entitled to receive re-conveyance from the respondents. Now, the respondents are taking speedy steps to take over possession from the petitioner and on 07.05.2008, they made an attempt to erect fence surrounding their lands. Under the circumstances, the adjacent land owner has filed writ petition before this Court to restrain the respondents from taking possession of their lands. This Court had directed the respondents to consider their representation. The same was rejected after 10 years without assigning any valid reasons. Hence, the learned counsel has entreated the Court to allow the above writ petition and to direct the respondents to re-convey the said land.

21.The highly competent Additional Government Pleader appearing for the respondents 1, 2, 5 to 7, has submitted that on the requisition of the third and fourth respondents, the first respondent had issued Government Order. On the strength of Government Order, the other respondents had issued

notification under the old Act and acquired the lands. After acquiring the said lands, the same have been handed over to the third and fourth respondents after adopting necessary legal formalities as per the old Act. Further, the acquisition proceedings had been initiated in the year 1989 and the said proceedings had been completed in the year 1990. Declaration also had been published in the Government Gazette as well as two daily tamil newspapers. Therefore, there is no lapse on the side of the Land Acquisition Officer for acquiring the said lands. After acquiring the said lands, the same was handed over to the requisite bodies for implementation of Schemes for industrial purpose.

22.The highly competent Counsel Mr.V.P.Sengottuvel, appearing for the third and fourth respondents has submitted that in order to form an industrial estate in the said area, the respondents have acquired lands to an extent of 20.02.5 hectares in the Vedamugam kankayampalayam Village. The 4(1) notification had been published in the Government Gazette as well as local tamil dailies in the year 1989. Subsequently, enquiry was conducted under Section 5A of the Act. At the time of enquiry, most of the land owners appeared and submitted their statements including objections. After considering the objections, the same was overruled since the lands have been acquired for the public purpose in order to improve industrial units. Besides, "Tom-Tom" also was beaten in the local areas. Therefore, without any shortcoming or lapse, the properties have been acquired. The learned counsel has further submitted that if the petitioner wants to establish an industry in the said subject lands, the same may be considered by the third respondent on the Top most priority. Further, on the same cause of action and on the same issue, the petitioner has filed writ petitions and writ appeals and all were dismissed.

23.The very competent counsel Mr.V.P.Sengottuvel has further submitted that the Land Acquisition Officer handed over the acquired lands in the year 1991 to the third and fourth respondents. As such, the said respondents are in possession. Therefore, the petitioner's request cannot be considered. Further, 99 applications were received from the applicants for allotment of industrial plots, for the formation of industrial units at Vedamugam Kankayampalayam Village. Hence, the learned counsel has entreated the Court to dismiss the above writ petition.

24.On considering the facts and circumstances of the case and arguments advanced by the highly competent counsels on all sides and on perusing the typed set of papers, this Court is of the view that the acquired lands have been handed over to the requisite bodies namely third and fourth respondents on 30.09.1991 and 15.10.1999 respectively. It is seen from the

counter statement of the third and fourth respondents that they have received 99 applications for allotment of industrial plots. It clearly shows that the scheme is being implemented. At the same time, the learned counsel Mr.C.Prakasam showed coloured photographs to prove that the petitioner is cultivating the subject lands as of now. Therefore the petitioner is at liberty to make one more fresh representation and disclose the current position of the lands, wherein there is standing crops. After receiving the said representation, the competent authority is directed to inspect the premises in the presence of the petitioner, Village Administrative Officer concerned and also verify the chitta and adangal maintained by the Village Administrative Officer and pass order on merits within a period of eight weeks from the date of receipt of this order.

25.In the result, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

vs

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Govt.,
The Government of Tamil Nadu,
Industries Department,
Fort St. George,
Chennai - 600 009.
- 2.The Revennue Divisional Officer,
Erode, Erode District.
- 3.The Managing Director,
SIDCO, Guindy, Chennai.
- 4.The Branch Manager,
SIDCO, Chennimalai Road,
Erode.
- 5.The Tahsildar,
Perundurai,
Perundurai Taluk,
Erode District.
- 6.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.

7.The Tahsildar,
Avinashi, Tiruppur District.

+ 1 cc to Mr.C.Prakasam, Advocate Sr 1870

KR/18/4/16

W.P.No.22944 of 2011
and
M.P.No.2 of 2011
and
M.P.No.1 of 2014



WEB COPY