

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.32344 of 2013 &  
M.P.No.1 of 2013

E.V.P.ESTATES AND PROPERTIES [ PETITIONER ]  
DEVELOPMENT LIMITED  
REP BY ITS CHAIRMAN AND  
MANAGING DIRECTOR

Vs

1 THE STATE REP. BY ITS SECRETARY  
TRANSPORT DEPARTMENT  
FORT ST.GEORGE  
CHENNAI 600 009.

2 THE DISTRICT COLLECTOR  
KANCHEEPURAM DISTRICT  
KANCHEEPURAM

3 THE SPECIAL TAHSILDAR  
(LAND ACQUISITION)  
CHENNAI AIRPORT EXPANSION SCHEME  
PATUNOOL CHATHIRAM  
SRIPERUMBUDUR  
KANCHEEPURAM DISTRICT.

4 AIRPORTS AUTHORITY OF INDIA  
REP. BY ITS DIRECTOR  
SOUTHERN AIRPORT  
CHENNAI AIRPORT, MEENAMBAKKAM  
CHENNAI 600 016.

(R4 impleaded as per order made in  
M.P.No.1/2014 in W.P.32344/13 dt 14.03.2016)

[RESPONDENTS]

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records on the file of the second and third respondents in their proceedings Na.Ka.91/2010 dated 17.07.2013 and Na.Ka.A1 228/2013 dated 28.10.2013, respectively and quash the same.

For Petitioner : Mr.S.R.Rajagopal

For Respondents : Mr.R.Rajeswaran -R1 to R3  
Special Govt. Pleader

Mr.V.Ramesh - R4

O R D E R

Heard Mr.S.R.Rajagopal, learned Counsel appearing for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader, appearing on behalf of the respondents 1 to 3 and Mr.V.Ramesh, learned counsel appearing for the fourth respondent and with the consent of learned counsel appearing on either side, this writ petition is taken up for final disposal.

2.In this Writ Petition, the petitioner has challenged the notice issued by the Revenue authorities. According to the petitioner, the notice issued is not in accordance with Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act and Rule 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001, and specifically stated that notice shall be in Form-A, whereas the second respondent has sent the notice, without even referring to the provisions of law. Further, it is submitted that the respondents without initiating any legal proceedings under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, has acquired the petitioner's land to the extent of 33.5 Acres. Therefore, the entire acquisition proceedings is liable to be quashed. Further, it is stated that the impugned notice has been sent without conducting any enquiry on the petitioner's objection dated 18.10.2013 and it has been passed based on the objection which was given during 2007. Further, it is submitted that the petitioner Company was not enquired in accordance with Rule 6(c) of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001.

3.In the light of the fact that the challenge in this Writ Petition is to a Notice and because the matter is pending from 2013, this Court is of the view that one more opportunity should be afforded to the petitioner. On the grounds raised by the petitioner, the acquisition proceedings cannot be quashed, since they have challenged only a notice which has been issued.

4.Considering the urgency of the project for which the land is required viz. for the Airport Authority of India, there will be a direction to the petitioner to

appear before third respondent and raise all contentions. The third respondent is directed to issue notice of hearing to the petitioner to place all points and thereafter, shall proceed in accordance with law.

The Writ is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rpa  
To

- 1 THE SECRETARY  
TRANSPORT DEPARTMENT  
FORT ST.GEORGE  
CHENNAI 600 009.
- 2 THE DISTRICT COLLECTOR  
KANCHEEPURAM DISTRICT  
KANCHEEPURAM
- 3 THE SPECIAL TAHSILDAR  
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REP. BY ITS DIRECTOR  
SOUTHERN AIRPORT  
CHENNAI AIRPORT, MEENAMBAKKAM  
CHENNAI 600 016.

1 cc to V.Ramesh, Advocate, sr.27872

W.P.No. 32344 of 2013

mp I co  
kra 31.05.2016