

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. No. 2381 of 2016

Hotel Pallava Park,
rep. by its Partner,
R. Ganeswaramoorthy,
No.36, Big Street,
Desimugipettai,
Thirukalunkundram,
Kanchipuram District.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by its Secretary to Govt.,
Industries Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kanchipuram District,
Kanchipuram.
3. M/s Mahindra Word city
Developers Ltd.,
Mahindra Towers,
No.17/18, Pattulose Road,
Chennai - 600 002.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the 1st respondent to pass orders on the petitioner's representation dated **5.12.2014*** as per the direction given by this Court in W.A. No. 564 of 2010 expeditiously.

For Petitioner : Mr.T.R. Rajaraman,
Senior Counsel for
Mr.R. Subramanian

For Respondents : Mr.R. Rajeswaran,
1 & 2 Special Government Pleader

O R D E R

This writ petition is an off-shoot of the earlier round of litigation, wherein the Division Bench of this Court, in W.A. No. 564 of 2010, by judgment dated 04.03.2014, was pleased to pass the following order:

"Conclusion:

29. There is no dispute that it is for the Government to decide as to whether the land is no more required for the purpose of the Industrial Purposess Act. The Government have got the authority to withdraw the land from acquisition in case possession is not taken. However, even for taking a decision to exclude the land from acquisition, there must be sufficient materials before the Government. The Government should prove at least by producing the file that the land is no more required for the purpose of the Act. The impugned order or the file produced by the Government does not contain any material to arrive at a satisfaction as to whether the subject land is no more required for the purpose of Industrial Purposes Act. We are, therefore, of the view that the Government was not correct in withdrawing the land from acquisition without issuing notice to the appellant and indicating reasons. In view of the finding given above, we set aside the order passed by the learned Single Judge in W.P. No. 20424 of 2009.

Disposition

30. In the result, the impugned Government Order in G.O.Ms. No. 88, Industries (MIE 1) Department dated 30 July 2009 is set aside and the matter is remitted to the first respondent for fresh consideration. The first respondent is directed to consider the matter afresh after issuing notice to the appellant and providing an opportunity of hearing to all concerned.

31. In the upshot, we allow the writ appeal and the writ petitions. Consequently, the connected M.Ps are closed. No costs."

2. Learned Senior Counsel appearing for the petitioner would submit that in pursuant to the above said order, though notices have been issued to the parties concerned and despite the fact that the petitioner has co-operated for the disposal of the matter by the 1st respondent, no final orders have been passed till now.

3. Considering the above submission made by the learned Senior Counsel for the petitioner, without going into the merits of the case, the 1st respondent is directed to pass appropriate final orders on the representation of the petitioner dated **5.12.2014,*** in the light of the judgment of this Court in W.A. No. 564 of 2010 dated 04.03.2014, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity to all parties concerned. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

Dt.05.02.2016

Corrected as per the order
of this court dated 28.03.2016
and made herein

Sd/-

Assistant Registrar(CS VII)

dt. 30.03.2016

//True Copy//

Sub Assistant Registrar

nv

To

1. The Secretary to Government,
Government of Tamilnadu,
Industries Department,
Fort St. George,
Chennai - 600 009.

To be substituted to the
order already despatched
on 9.02.2016

2. The District Collector,
Kanchipuram District,
Kanchipuram.

+1cc to Mr.R. Subramanian, Advocate, S.R.No.4545

+1cc to the Government Pleader, S.R.No.4472

W.P. No. 2381 of 2016

SCD(CO)

CA(08/02/2016)

Eu 30.03.2016