

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2017

Coram:

The Honourable Mr. Justice N. SESHASAYEE

W.P.No.28600 of 2017
and

W.M.P.Nos.30764, 30765 & 30766 of 2017

1. M. Lakappa
S/o. Late Mariyappa

2. Papaiya @ Papanna
S/o. Late Mariyappa

...Petitioners

Versus

1. The State of Tamil Nadu
Rep. by its Secretary,
Industries Department,
Secretariat, Chennai - 600 009.

2. The Secretary to Government,
Law Department, Secretariat,
Chennai - 600 009.

3. The Managing Director,
State Industries Promotion Corporation of TamilNadu
(SIPCOT),
No.19 A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.

4. The District Collector,
Office of the Collectorate,
Krishnagiri District.

5. The Special Tahsildar,
SIPCOT Phase IV (Unit - III),
Hosur Expansion Scheme,
Shoolagiri Taluk,
Krishnagiri District.

...Respondents

This Writ Petition is filed under Section 226 of the Constitution of India praying for issuance of a writ of certiorari to call for the records relating to Form-A notice issued in Na.Ka.29064/2016/SIPCOT IV (அலகு-3) dated 24.11.2016, Form B issued in ROC No.29064/2016/B2 dated 24.11.2016 issued by the fourth respondent under Section 3(2) of the Tamil Nadu

Acquisition of Land for Industrial Purposes Act, 1997 r/w. Rules 3 & 4 of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001 and the proceedings dated 12.05.2017 issued in Na.Ka.No.25339/2016/B2 by the fifth respondent, quash the same.

For Petitioners : Mr. R. Bharath Kumar
For Respondents : Mr. A. Zakir Hussain,
Government Advocate

O R D E R

Mr. R. Bharath Kumar, the learned counsel appearing for the petitioners submits that the petitioners have filed this Writ Petition challenging the acquisition proceedings initiated by the respondents under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999).

2. The learned counsel for the petitioners submits that by virtue of Section 105(A) inserted into the land acquisition by Tamil Nadu Amendment Act in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for exempting Tamil Nadu Act 10 of 1999 from the operations of Central Act 30 of 2013, and that the vires of the said provision is being tested in a batch of Writ Petitions pending before a Division Bench of this Court.

3. The learned counsel submits that he may be permitted to withdraw the Writ Petition with liberty to file a fresh comprehensive petition, incorporating all grounds of the Act.

4. No counter affidavit has yet been filed. Going through the papers, this Court does not find that this Writ Petition has been admitted.

5. Therefore, this Writ Petition is permitted to be withdrawn with liberty to file a fresh petition on the same cause of action. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

mrr

To

1. The Secretary,
Industries Department,
Secretariat,
Chennai - 600 009.
2. The Secretary to Government,
Law Department,
Secretariat,
Chennai - 600 009.
3. The Managing Director,
State Industries Promotion Corporation of TamilNadu
(SIPCOT),
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Hosur Expansion Scheme,
Shoolagiri Taluk,
Krishnagiri District.

+1cc to Mr.R.Bharath, Advocate SR.No.89661
+1cc to Government Pleader SR.No.89438

GN(22/12/2017)

सत्यमेव जयते

W.P.No.28600 of 2017

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