

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 12.10.2017

Delivered on : 27.10.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.768 of 2016 and
CMP No.9960 of 2016

- 1.The State of Tamilnadu,
Rep. by Secretary to Government,
Industries Department,
Fort St.George, Chennai - 600 009.
 - 2.The Special Tahsildar,
(TACID Land Acquisition)
Unit 4, Bharathi Main Road,
Perundurai Taluk, Erode District.
 - 3.The Revenue Divisional Officer,
Erode, Erode District.Appellants
- Vs
- 1.K.C.Kandasamy
 - 2.K.C.Natarajan
 - 3.K.C.Duraisamy
 - 4.K.C.Murthi
- 5.The Chairman and Managing Director,
TACID, Chennai, Now
State Industries Promotion Corporation of Tamilnadu Ltd.,
No.18-A, Rukmani Lakshmipathi Salai,
Chennai - 600 008.
- 6.The Project Officer,
SIPCOT Industrial Growth Centre,
Periyaveetvampalayam Post,
Perundurai, Erode District. ...Respondents

Prayer:- Writ Appeal filed under clause 15 of the Letter Patent
against the order dated 04.09.2013 made in W.P.No.37089 of 2007.

Prayer in W.P.NO.37089/2007

To issue a Writ of Mandamus directing the Respondents to release the lands to the petitioners situated in RS.Nos 444 455/1 and 455/1 and 455/2 in Ingur village perundurai Taluk ERode District with an extent of 3.99 hectares to the petitioner.

For Appellants : Mr.V.Anandhamoorthy
Addl.Govt.Pleader

For R1 to R4 : No appearance
For R5 and R6 : Given up

J U D G M E N T

K.K. SASIDHARAN, J.

The Government of Tamilnadu at the instance of State Industries Promotion Corporation of Tamilnadu Limited (hereinafter referred to as "SIPCOT") acquired 2655 acres of land in Ingur and Perundurai, Erode District, which includes 3.99.0 hectares of land owned by the respondents 1 to 4 for setting up Industrial Growth Centre at Perundurai. Notification under Section 4(1) of the Land Acquisition Act (hereinafter referred to as "the Act"), dated 24 November, 1995 was approved by the Government and it was published in the Tamil Nadu Gazette on 20 December, 1995. Thereafter, statutory declaration was made. It was followed by the Award dated 31 December, 1997. The Land Acquisition Officer valued the property of the respondents 1 to 4 at Rs.5,45,427/-. Thereafter, possession was taken on 21 November, 2001 and 7 January, 2004 and it was handed over to SIPCOT. The revenue records were also mutated.

2. The respondents 1 to 4 initiated a writ petition before the writ court in W.P.No.37089 of 2007 for issuance of a writ of mandamus, directing the appellants and the respondents 5 and 6 to release the land primarily on the ground that the Award amount was not deposited before the Civil Court.

3. Before the writ court, the appellants contended that a Demand Draft for a sum of Rs.5,45,427/- was sent to the First Additional Subordinate Court, Erode on 29 May, 2000. The Demand Draft was returned by the Subordinate Court and it was once again sent on 21 May 2001 through registered post. The amount was deposited before the Reference Court for the purpose of registering the land acquisition original proceedings under Section 30 of the Land Acquisition Act and to disburse the amount to the land owners. According to the appellants, the land was already utilised for the purpose for which it was acquired.

4. The learned single Judge allowed the writ petition with an observation that the appellants have flouted the statutory provisions and deliberately withheld the compensation amount and as such, the same would be a ground to hold that the acquisition proceedings are vitiated. The learned single Judge quashed the acquisition and directed the appellants to release the land to the respondents 1 to 4. Feeling aggrieved, the State is before this Court.

5. The very same order was challenged by SIPCOT before this Court in W.A.No.768 of 2016. By judgment dated 25 October, 2017, we have allowed the appeal and set aside the order passed by the learned single Judge.

6. The issue is therefore covered by the judgment in W.A.No.768 of 2016.

7. The intra court appeal is allowed in terms of the judgment dated 25 October, 2017 in W.A.No.768 of 2016. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

svki

To

1.The Chairman and Managing Director,
TACID, Chennai, Now
State Industries Promotion Corporation of Tamilnadu Ltd.,
No.18-A, Rukmani Lakshmipathi Salai,
Chennai - 600 008.

2.The Project Officer,
SIPCOT Industrial Growth Centre,
Periyaveetvampalayam Post,
Perundurai, Erode District.

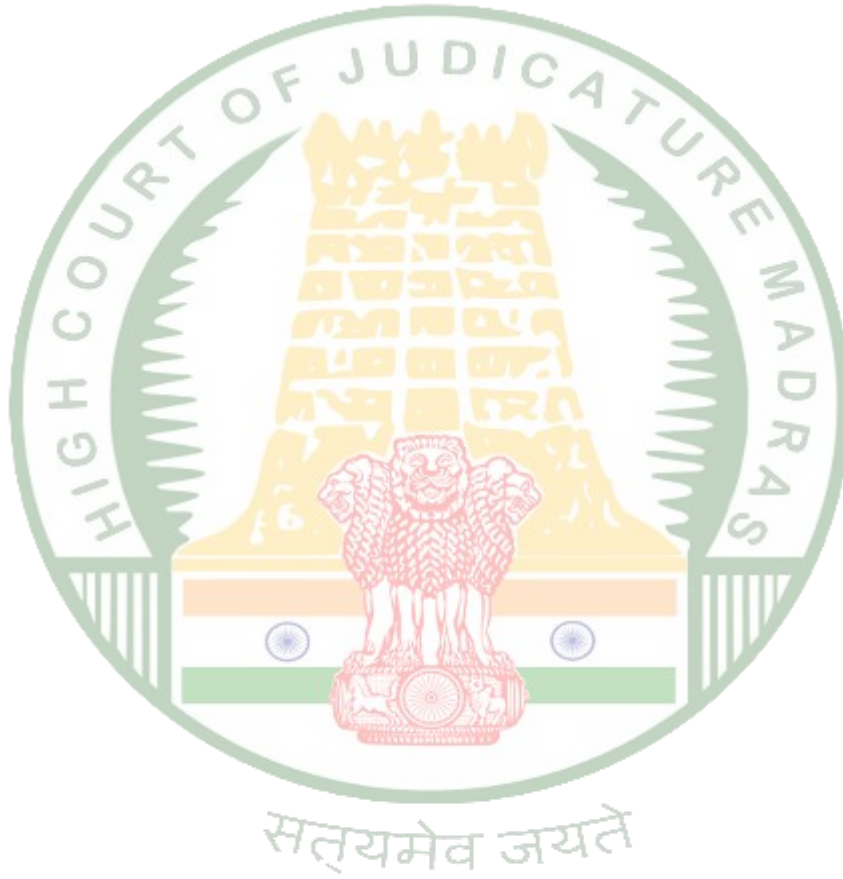
3.The Revenue Divisional Officer,
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4.The Special Tahsildar,
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5. The Secretary to Government,
Industries Department,
Fort St.George, Chennai - 600 009.

W.A No.768 of 2016

SVI (CO)
NR 17/11/2017



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