

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.12571 of 2006

Thiru.R.Siva Senthil Kumaran

..Petitioner

-vs-

1.State of Tamil Nadu,
rep.by the Secretary to Government,
Industry Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.Special Tahsildar(Land Acquisition)
Mahindra Industrial Park Scheme,
Melamaiyur,
Chengalpattu.

4.M/s.Mahindra World City Developers Ltd.,
rep.by its Managing Director,
Arjay Apex Centre,
No.24, College Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Declaration, to declare Section 2(d), 3, and 4 of the Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamilnadu Act 10 of 1999) as ultravires to Constitutional provisions relating to land acquisition and inconsistent with the provisions of the Land Acquisition Act, 1894 in so far as it enables an industrial purpose of a private Company as a public purpose and permits the alienation of the land acquired and vest with the Government under Section 4 of the Tamilnadu Act 10 of 1999 to other persons is inconsistent with Sec.44(A) of the Land Acquisition Act 1894 in respect of the land acquired under Section 23 of the Act 10/1999.

For Petitioner :Mr.R.Suresh Kumar

For Respondent :Mr.V.Anandhamoorthy,
Additional Government Pleader
for R1 to R3

Mr.R.Bharath Kumar for R4

O R D E R

The present writ of declaration is filed to declare Section 2(d), 3, and 4 of the Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamilnadu Act 10 of 1999) as ultravires to Constitutional provisions relating to land acquisition and inconsistent with the provisions of the Land Acquisition Act, 1894 in so far as it enables an industrial purpose of a private Company as a public purpose and permits the alienation of the land acquired and vest with the Government under Section 4 of the Tamilnadu Act 10 of 1999 to other persons is inconsistent with Sec.44(A) of the Land Acquisition Act 1894 in respect of the land acquired under Section 23 of the Act 10/1999.

2.Even before going into the merits of the writ petition, the learned counsel appearing on behalf of the 4th respondent brought to the notice of this Court that the similar writ of declaration filed, challenging the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 was decided by the Hon'ble Division Bench of this Court in the case of K.Ramakrishnan Vs. The Government of Tamilnadu rep.by its Secretary to Industries Department, Secretariat, Chennai - 600 009, reported in 2007 Writ L.R 372, the validity of the Act and the legislative competence had been upheld. In view of the fact that the Hon'ble Division Bench had already upheld the validity of the Act, no further adjudication is necessary in this present writ petition.

3.Paragraph 30 of the said Judgment, which reads as under:

"30. Resultantly,

(i) the T.N.Acquisition of Land for Industrial Purposes Act and the Rules framed thereunder does not suffer from lack of legislative competency of the State Government and therefore, the same are held constitutionally valid;

(ii) the impugned acquisition proceedings initiated under the T.N.Acquisition of Land for Industrial Purposes Act does not suffer any illegality, irrationality, or procedural impropriety;

and

(iii) the writ petitions and connected miscellaneous petitions are dismissed. No costs."

4. In view of the judgment cited supra, this Court is of an opinion that the grounds raised in the present writ petition deserves no further consideration and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kak/kmm

To

1. The Secretary to Government,
Industry Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. Special Tahsildar (Land Acquisition)
Mahindra Industrial Park Scheme,
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Chengalpattu.

+1cc to Mr. R. Bharath Kumar, Advocate, S.R.No. 84161

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RR(CO)
GN(31/12/2018)