

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.2266 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 Certiorari, calling for the records relating to the notification issued by the 1st respondent herein in G.O.Ms.No.161 Industries (MIE.2) 07/12/2005 published in Government Gazette dated 07.12.2005 in respect of survey No.257/6 to 257/13 in 91, Anjur village, Block II, Chengalpattu Taluk, Kancheepuram District and the consequential order passed by the 2nd respondent herein vide No.Rc.33/2000F5 dated 19.12.2005 and quash the same.

For Petitioner :Mr.R.Shiva 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 relief sought for in this writ petition is to call for the records in relation to the notification issued by the 1st respondent herein in G.O.Ms.No.161 Industries (MIE.2) 07/12/2005 published in Government Gazette dated 07.12.2005 in respect of survey No.257/6 to 257/13 in 91, Anjur village, Block II, Chengalpattu Taluk, Kancheepuram District and the consequential order passed by the 2nd respondent herein vide No.Rc.33/2000F5 dated 19.12.2005 and quash the same.

2.The learned counsel for the petitioner states that he is the owner of the land, which is sought to be acquired. The petitioner purchased the land through his brother and power agent Thiru.R.Sivasaravana Kumaran, measuring an extent of 2.36 acres situated at Survey Nos.257/6 to 257/13 in 91, Anjur Village, Block II, Chengalpattu Taluk, Kancheepuram District from M/s.Ethiraj, Sabapathi, Munnusamy and Chinnasamy Sons of Vedachalam Naicker, legal heirs of Sabapathi Naicker and others vide registered sale deed dated 11.07.2005 registered as document no.6151 of 2005 in the office of Sub-Registrar, Chengalpattu.

3.The petitioner was making arrangements for the purpose of developing a Software company in the said land to his shock and surprise, he received the notice impugned, stating that the land is proposed to be acquired under the provisions of the Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997(Tamil Nadu Act 10 of 1990) was published in the Tamil Nadu Gazette, on 07.12.2005. Subsequently, under Section 4(2) notice was also issued by the District Collector, Kancheepuram in proceedings dated 19.12.2005.

4.The writ petitioner states that he is the owner / person interested in the land and no notice was given to him under the provisions of the Act and therefore, the impugned Notification and the consequential orders are liable to be scrapped.

5.It is further contended that the authorities competent are empowered to pass an order under Section 3(1) to the Government arises only after hearing the owners / person interested. In view of the fact that the petitioner had no knowledge about the Acquisition proceedings, the entire Notification and the consequential proceedings are liable to be quashed.

6.The learned counsel appearing on behalf of the 4th respondent set out the details and evidence by stating that 24.11.2000, G.O.Ms.No.414, Industries(MID-1) Department for approval of Notification under Section 4(1) of the Land

Acquisition Act. On 20.12.2000, the Notification under Section 4 (1) of the Land Acquisition Act was published in Tamil Nadu Gazette in part II Section 2. On the same date, on 20.12.2000, the publication of Section 4(1) in Malai Murasu, Arasial Tharasu. On 11.01.2001, the publication of 4(1) was made in the locality in village. On 21.09.2001, the New Act came into force. On 10.01.2002, G.O.Ms.No.8(Industries Mid-1) Approval of Draft Declaration of Section 6 was passed. Therefore, the procedures as contemplated under the Act had been scrupulously followed by the authorities. After completion of the procedures, the land was taken possession by the competent authorities and it was handed over to the 4th respondent for development on 23.01.2006. Subsequently, the 4th respondent had already developed the land and other projects are also being implemented as per the terms and conditions.

7.Thus, now after a lapse of so many years, the contentions raised in the writ petition need not be considered. This apart, the writ petitioner is a subsequent purchaser and the notice under the Land Acquisition Act was issued to the original owners as per the revenue records and the subsequent purchase was made by the writ petitioner only on 11.07.2005 after initiation of the Land Acquisition proceedings on 20.12.2000. The writ petitioner had purchased the land after a lapse of five years from the initiation of Land Acquisition by the State and therefore, he cannot claim any right over the property as such. The procedures as contemplated under the Act had been followed by the authorities scrupulously and the 4th respondent had already developed the land and many projects are being implemented in that locality. Considering these facts and circumstances, this Court is not inclined to consider the relief as such sought for in this writ petition.

8.The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 also reiterated the contentions raised by the 4th respondent and the common counter affidavit filed on behalf of the respondents 2 and 3 also states that the procedures had been followed and the possession was taken on 23.01.2006 and the property was handed over to the Acquisitioning body on the date itself.

9.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.

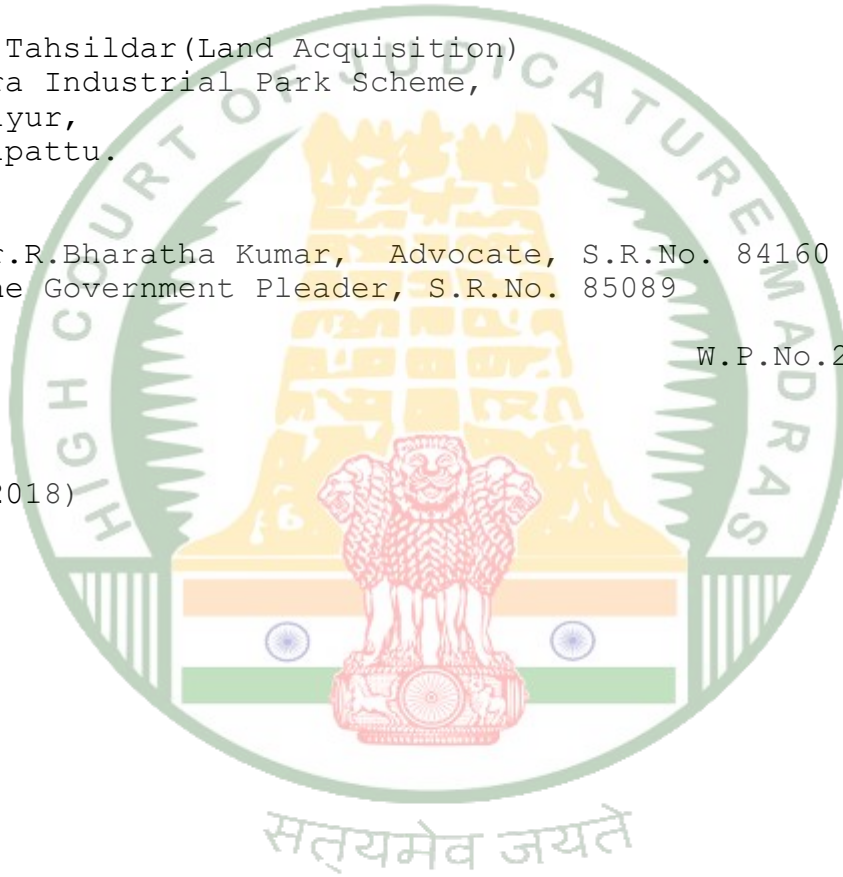
3.Special Tahsildar(Land Acquisition)
Mahindra Industrial Park Scheme,
Melamaiyur,
Chengalpattu.

+1cc to Mr.R.Bharatha Kumar, Advocate, S.R.No. 84160

+1cc to the Government Pleader, S.R.No. 85089

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



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