

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2018

CORAM : THE HON'BLE Mr.JUSTICE N.SESHASAYEE

W.P.No.11534 of 2016
and W.M.P.No.9959 of 2016

G.Kumaran

... Petitioner

Vs.

- 1.State of Tamil Nadu rep. by its
Secretary to Government,
Industries (SIPCOT - LA) Department,
Fort St. George,
Chennai 600 009.
 - 2.The Collector,
Kanchipuram District,
Kanchipuram.
 - 3.The Special Tahsildar LA,
SIPCOT, Unit - 3,
Sriperumbudur Expansion Scheme - 2,
Sriperumbudur, Kanchipuram District.
- Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the order of Government passed in G.O.Ms.No.3, Industries (SIPCOT - LA) Department dated 06.01.2009 and the consequential order in G.O.Ms.No.85, Industries (SIPCOT - LA) Department dated 17.04.2013 on the file of the first respondent and quash the same in so far as the petitioner's lands situated in S.No.144/1A of Vadagal Village, Sriperumbudur Taluk, Kanchipuram District to the extent of 11,270 sq.ft is concerned.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.M.Karthikeyan
Additional Government Pleader

O R D E R

The petitioner has come forward with the present petition for issuance of Writ of Certiorari to quash the two Government Orders in G.O.Ms.No.3, Industries (SIPCOT - LA) Department dated

06.01.2009 and G.O.Ms.No.85, Industries (SIPCOT - LA) Department dated 17.04.2013, in so far the petitioner's property is concerned.

2. The case of the petitioner is that he owns an extent of 11,270 sq.ft in S.No.144/1A of Vadagal Village, Sriperumpudur Taluk, Kanchipuram District, that the same was sought to be acquired by the respondent, under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter as "The Industrial Purposes Act" for brevity), that the Government has proceeded to notify the land for acquisition without following the preliminary procedure contemplated under Section 3(2) of the said Act and hence, the same is bad in law.

3. In the counter, it is stated that the notice under Section 3 (2) of the Act, indeed has been given, that an enquiry was conducted on 05.04.2010 and the petitioner is offered an opportunity to lend his consent to the offer price suggested by the authority, and if the petitioner is not willing, an award would be passed under Section 7(3) of the Industrial Purposes Act.

4. Heard Mr.S.Doraisamy, learned counsel for the petitioner and Mr.M.Karthikeyan, learned Additional Government Pleader for the respondents. The learned Additional Government Pleader also made available the files pertaining to acquisition.

5. Today Mr.V.G.Varadharajan, Special Tahsildar [Land Acquisition], SIPCOT, Sriperumbudur is present to assist the Court. His presence and assistance are recorded.

6. On a perusal of the said petition, it is seen that the petitioner's mother had participated in an enquiry under Section 3(2) of the Act and has required the authority to pay a compensation of Rs.300/- per sq.ft. The learned Government Advocate submitted that the Government has however determined the price only at Rs.150/- sq.ft. and if the petitioner is not agreeable to receive the compensation at the rate quoted, the enquiry has been conducted and an award would be passed under Section 7(3) of the Industrial Purposes Act.

7. The learned counsel for the petitioner after perusing the said documents submitted that it is necessary the award is passed under Section 7(3) of the Act, at the very earliest. It is specifically brought to the notice of the Court that the entire proceedings has begun some time in the year 2010.

8. In view of the submission made by the rival sides, this Court modifies the prayer sought and directs the Land Acquisition Authority to issue a notice to the petitioner at the address

given in the writ petition and hold an enquiry and pass an award in terms of Section 7(3) of the Industrial Purposes Act, after affording him adequate and effective opportunity of hearing him in the matter. The Land Acquisition Authority is directed to complete the said process within four months from the date of receipt of a copy of this order.

9. With the above directions, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

dna/ds

To

- 1.The Secretary to Government,
Industries (SIPCOT - LA) Department,
Fort St. George, Chennai 600 009.
- 2.The Collector,
Kanchipuram District,
Kanchipuram.
- 3.The Special Tahsildar LA,
SIPCOT, Unit - 3,
Sriperumbudur Expansion Scheme - 2,
Sriperumbudur, Kanchipuram District.

सत्यमेव जयते

W.P.No.11534 of 2016

GN(23/02/2018)

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