

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.10093, 12798 and 12799 of 2006
And

W.P.M.P.Nos.11405, 14390 and 14391 of 2006

W.P.No.10093 of 2006:

Polichalur Makkal Nala
Munnetra Sngam Rep by
its President

... Petitioner

Vs.

1.State of Tamil Nadu rep by
its Secretary to Government
Transport (12) Department
Fort St.George,
Chennai - 9.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Road,
Egmore,
Chennai - 8.

3.The District Collector,
Kancheepuram District.

4.The Tahsildar,
Tambaram Taluk.

5.Airports Authority of India,
Airport, Meenambakkam,
Chennai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order of the first respondent dated 14.12.2005 in G.O.Ms.No.91 Transport (12) Department and quash the same.

For Petitioner : M/s.A.L.Gandhimathi

For Respondents : Mr.K.Ravikumar for R1 to R4
Additional Government Pleader
Mr.S.Venkatesan for R5

W.P.No.12798 of 2006:

EVP Estates and Properties Development Ltd.,
By its Director Mrs.P.S.Rajeswari

... Petitioner

Vs.

- 1.State of Tamilnadu
Rep. by its Secretary to Government
Revenue Department
Fort St.George,
Chennai - 600 009.
- 2.State of Tamil Nadu
Rep. by its Secretary to Government
Transport (12) Department
Fort St.George,
Chennai - 600 009.
- 3.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 4.The District Collector,
Kancheepuram District,
Kancheepuram.
- 5.The Thasildar,
Tambaram Taluk
Tambaram.
- 6.Airports Authority of India,
rep. by its Director,
Meenambakkam,
Chennai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring the provisions of the Tamilnadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) and the Rules framed there under as ultravires, void and unconstitutional.

For Petitioner : Mr.M.Anandraj

For Respondents : Mr.K.Ravikumar for R1 to R5
Additional Government Pleader
Mr.S.Venkatesan for R6

W.P.No.12799 of 2006:

M.Ramu Naidu

Rep. by Power Agent

EVP Estates and Properties Development Ltd.,

By its Director Mrs.P.S.Rajeswari

... Petitioner

Vs.

1.State of Tamilnadu

Rep. by its Secretary to Government

Revenue Department

Fort St.George,

Chennai - 600 009.

2.State of Tamil Nadu

Rep. by its Secretary to Government

Transport (12) Department

Fort St.George,

Chennai - 600 009.

3.The Member Secretary,

Chennai Metropolitan Development Authority,

No.1, Gandhi Irwin Road,

Egmore, Chennai - 600 008.

4.The District Collector,

Kancheepuram District,

Kancheepuram.

5.The Thasildar,

Tambaram Taluk

Tambaram.

6.Airports Authority of India,

rep. by its Director,

Meenambakkam,

Chennai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring the provisions of

the Tamilnadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) and the Rules framed there under as ultravires, void and unconstitutional.

For Petitioner : Mr.M.Anandraj

For Respondents : Mr.K.Ravikumar for R1 to R5
Additional Government Pleader
Mr.S.Venkatesan for R6

C O M M O N O R D E R

All the writ petitions are filed challenging the land acquisition proceedings initiated under the provisions of the Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) for acquisition of 583 hectares of land for the restructuring and modernization of the existing Chennai Airport.

2.The Government of Tamilnadu issued G.O.Ms.No.91 Transport (I-2) Department dated 14.12.2005 according administrative sanction for acquisition of 583 hectares of land for the above said purpose. Hence, the petitioners have filed these writ petitions.

3.It is now represented that subsequently, the Government of Tamilnadu issued G.O.Ms.No.70 Transport (I-2) Department dated 09.07.2007 cancelling the administrative sanction issued for acquisition of 583 hectares of land for the above said purpose.

4.The District Collector, Kancheepuram District, has filed counter affidavit and the relevant paragraph reads as follows:

"10.It is therefore humbly prayed that the Acquisition of lands are essentially necessary for upgrading the runway in Chennai Airport to cater the needs of increasing passenger traffic. The Notification under section 3(1) of the Industrial Act 10/1999 for acquisition of 50.21 acres in Kolapakkam including petitioner's lands was approved by the Government in G.O.Ms.No.201 Transport (I-2) Department dted 18.08.2017 and it was already published in the Tamil Nadu Government Gazette. The petitioner has filed another writ petition in W.P.No.28741 of 2017 and challenged to quash the above notification published under section 3(1) of the Act which was approved by the Government in G.O.Ms.No.201 Transport Department dated

18.08.2017 and the above writ petition was disposed by the Hon'ble High Court Madras on 23.01.2018 stating that to pass an award or awards after issuing necessary notice on the petitioner. It is submitted that the G.O. in which Administrative Sanction accorded by the Government was already cancelled in G.O.Ms.No.70 Transport (I-2) Department dated 09.07.2007. Therefore the writ petition is not maintainable either in law or on facts, which is liable to be dismissed."

5.Since the Government has issued Order in G.O.Ms.No.70 Transport (I-2) Department dated 09.07.2007 cancelling the administrative sanction issued for acquisition of lands, at present there is no need for any apprehension of acquisition of lands.

6.The writ petitions are accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government
Revenue Department
Fort St.George,
Chennai - 600 009.

2.The Secretary to Government
Transport (12) Department
Fort St.George,
Chennai - 600 009.

3.The Member Secretary,
Chennai Metropolitan Development Authority,
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4.The District Collector,
Kancheepuram District,
Kancheepuram.

5.The Thasildar,
Tambaram Taluk
Tambaram.

6.The Director,
Airports Authority of India,
Meenambakkam,
Chennai.

+3cc to Mr.S.Venkatesan, Advocate, S.R.No.49277,49276,49278

+1cc to M/s.A.L.Gandhimathi, Advocate, S.R.No.49771

+2cc to Mr.M.Anandraj, Advocate, S.R.No.49194, 49195

+1cc to the Government Pleader, S.R.No.50009, 50010, 50011

W.P.Nos.10093, 12798
and 12799 of 2006
And
W.P.M.P.Nos.11405, 14390
and 14391 of 2006

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