

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.2538 of 2018

1. A. Shanmugam
2. K.A.Subramanian
3. A. Sathyanathan
4. Tmt. Jayamani

...Petitioners

Versus

1. The State of Tamilnadu,
Rep. by its Secretary,
Micro Small & Medium Enterprises Department,
Fort St. George,
Chennai - 600 009.
2. The Additional Chief Secretary Commissioner Director,
Micro, Small & Medium Enterprises,
SIDCO Head Office Building,
Thiru. Vi. Ka. Industrial Estate,
Guindy,
Chennai - 600 032.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to re-convey the lands of the petitioners measuring 96 cents in T.S.No.1, Ward "C" Block No.32, at Reddiyur Village, Salem Taluk, Salem District, by considering and passing orders on the Representation of the petitioners dated 24.05.2017.

For Petitioners
For Respondents

: Mr. K. Selvaraj
: Mr. M. Karthikeyan,
Additional Government Pleader

ORDER

The petitioners have averred in this petition that their father originally owned a piece of land measuring 1.23 Acres in Survey No.98/8A, 0.48 Acres in Survey No.99/13 and 1.04 Acres in Survey No.99/12 situated in Reddiyur Village, Salem Taluk, Salem District and that the said properties were acquired by the respondent for the purposes of establishing an Industrial Estate of SIDCO. The Notification under Section 4(1) was issued on 01.03.1961 followed by a declaration under Sec.6 on 02.01.1963.

2. An award has since been passed and the matter was referred to the Sub Court under Section 18 and the Reference Court too has disposed of the matter. While so, the Government has passed G.O.Ms.No.2078, Revenue Department, dated 27.04.1984 which provides that wet agricultural lands of small farmers shall not be acquired.

3. Be that as it may, contrary to the proceedings of the second respondent, the Industrial Estate has illegally and unauthorizedly sold the lands measuring 38, 923 Sq.Ft (0.89.27 Acres) comprised in Survey No.98/1 for a consideration of Rs.8,17,635/- in favour of Sri Santhanalakshmi Spinning Mills Vide its order dated 10.05.1994. While as per the allotment order, the said plot will be used for production of waste cotton yarn, now it is purported to be used for the purpose of putting up an Oxidation Plant. In the meantime, petitioners' father died and that the petitioners became the owners of the said piece of wet land. Petitioners have therefore, preferred the representation dated 24.05.2017 to the first respondent, followed by another representation dated 08.07.2017 to the second respondent requesting the authorities to return the land under Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which is corresponding to Section 48-B of the Land Acquisition Act, 1894. The grievance expressed by the petitioners is that the said representation dated 24.05.2017 has not been considered by any of the authorities.

4. Mr.M.Karthikeyan, the learned Additional Government Pleader entered appearance for both the respondents. By consent, this Writ Petition is taken up for final disposal.

5. Since the prayer of the petitioners is for considering their representation by the authorities, this Court directs the respondents to consider the representations of the petitioners dated 24.05.2017 on merits and in accordance with law within eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is allowed as per the said direction. No costs.

Sd/-

Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

mrr

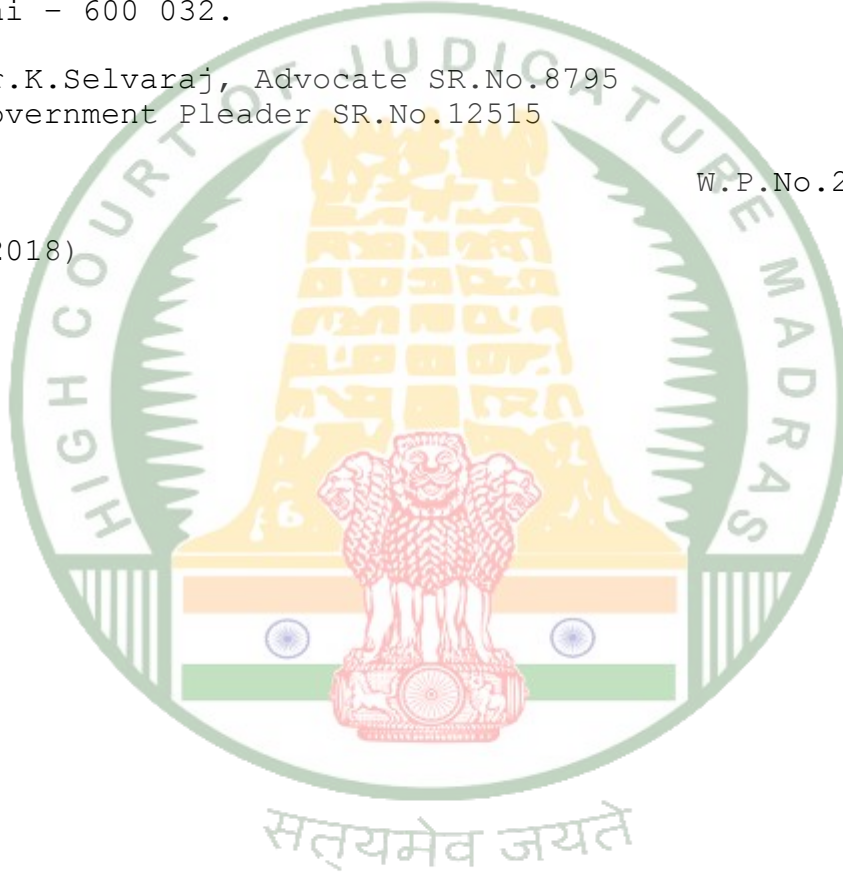
To

1. The Secretary,
Micro Small & Medium Enterprises Department,
Fort St. George,
Chennai - 600 009.
2. The Additional Chief Secretary Commissioner Director,
Micro, Small & Medium Enterprises,
SIDCO Head Office Building,
Thiru. Vi. Ka. Industrial Estate,
Guindy,
Chennai - 600 032.

+1cc to Mr.K.Selvaraj, Advocate SR.No.8795
+1cc to Government Pleader SR.No.12515

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VGI (CO)
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