

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.999 of 2016
&
CMP.No.12960 of 2016

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Industries Department,
Fort St. George, Secretariat, Chennai.
 2. The District Collector,
Kancheepuram District,
Kancheepuram.
 3. The Special Tahsildar (Land Acquisition),
Unit 5, SIPCOT, Sriperumbudur Expansion Scheme II,
Sriperumbudur, Kancheepuram District.
- ...Appellants/Respondents 1 to 3

Vs

1. M/s. B.J. Exports Pvt. Ltd.,
Rep.by its Director Mr.B.Jayaraman,
No.10, First Floor, Adhithanar Street,
Gandhi Nagar, Avadi, Chennai - 600 054.
- ... 1st Respondent/Petitioners
2. State Industrial Promotion Corporation
of Tamil Nadu (SIPCOT)
Rep.by its Chairman and Managing Director
Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008. ...2nd Respondent/4th Respondent

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act,
to set aside the order dated 23.01.2013 passed in W.P.No.5872 of
2012.

Prayer in WP.No.5872 of 2012: Writ petition filed under Article

226 of the Constitution of India praying for the issuance of writ of Certiorarified, Call for the records of the 1st Respondent herein published in the Industries Department Gazette Extraordinary No.461 dated 16.12.2011 at page 11 to 13 of Part II Section - 2 and the consequent possession notice dated 4.2.2012 in R.C.No.22 of 2009 A Unit V and other connected acquisition proceedings commenced vide publication dated 10.09.09 in the Dhinathanthi and quash the same in respect of the Petitioners lands are concerned.

For Appellant : Ms.A.Srijayanthi
Special Government Pleader

For Respondents: No Appearance

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The land acquisition proceedings initiated by the State under the provisions of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 was quashed by the learned Judge by following the decision of another learned single Judge in M/s.VGP Housing (P) Limited vs. Secretary to Government, dated 10 July 2012 in W.P.Nos.2055 and 2056 of 2010.

2. The learned single Judge in the said Judgment has held that even though there is power under Section 23-A of the Industrial Purposes Act, for delegation, still enquiry has to be held only by the Government.

3. A Writ Appeal in W.A.No.1710 of 2017 was filed by the State challenging the order passed by the learned single Judge in W.P.No.2056 of 2010.

4. This Court by Judgment dated 01.02.2018 set aside the order passed by the learned single Judge. The issue therefore is squarely covered by the Judgment of this Court dated 01.02.2018 in W.A.No.1710 of 2017.

5. Accordingly, following the Judgment in W.A.No.1710 of 2017 dated 01.02.2018, this intra Court appeal is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

arr

To

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Industries Department,
Fort St. George, Secretariat, Chennai.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Special Tahsildar (Land Acquisition),
Unit 5, SIPCOT, Sriperumbudur Expansion Scheme II,
Sriperumbudur, Kancheepuram District.
4. State Industrial Promotion Corporation
of Tamil Nadu (SIPCOT)
Rep.by its Chairman and Managing Director
Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.

+1cc to Government Pleader SR.No.10627

W.A.No.999 of 2016
&
CMP.No.12960 of 2016

SJ(CO)
GN(07/03/2018)



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