

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.Nos.40674 to 40681 of 2016 and 38641 of 2016
and

W.M.P.Nos.34677 to 34692 and 33098 and 33099 of 2016

W.P.No.40674 of 2016 :
Mr.R.Gandhi @ Gandhimathi .. Petitioner

Vs

1. State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Industries (SIPCOT-LA) Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram Collectorate,
Kancheepuram - 631 501.
3. The Special Tahsildar (LA) Unit-1,
SIPCOT, Sriperumbudur Expansion Scheme-2,
Sriperumbudur.
4. The Principal Secretary/Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmi pathi Road,
Egmore, Chennai -600 008.
5. The Special District Revenue Officer (LA)
SIPCOT, 42, Thirumangaialwar Street,
Sriperumbudur, Kancheepuram District.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records relating the impugned G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013 on the file of the first respondent and consequent notice under Sec.7(3) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act 10 of 1999 in Ref.Na.Ka.41/2009/A2/Unit-1, dated:04-06-2013 on the file of third respondent and notice issued under Sec.7(5) and 7(7) of Tamil Nadu acquisition of

lands for Industrial Purposes Act 10 of 1999 in Ref:Rc.41/2009, Dt:08/09/2014, Unit No.1, Block-IX on the file of the 2nd respondent herein and to quash the same and to direct the respondents to drop the land acquisition proceeding in pursuant to the impugned G.O.Ms.153, Industries (SIPCOT-LA) 29th November 2011 in Ref.No.II(2) IND/467(e-1)/2011 under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) was published in Tamil Nadu Government Gazette Extraordinary No.447, Dt:29-11-2011 in Part-II, Section-2 as lapsed in virtue of application of provision of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) coming into effect from 1-1-2014 in the subject matter i.e., Vacant plot bearing No.54 of an extent of 0.02.0 hectare (2400 Sq.Ft) situate at S.No.44/2A1-Part, 121 Vadagal 'A' (Pal Nallur) Village, Sriperumbudur Taluk and Kancheepuram District.

W.P.No.40675 of 2016 :

Mr.T.Raman

... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Industries (SIPCOT-LA) Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram Collectorate,
Kancheepuram - 631 501.
3. The Special Tahsildar (LA) Unit-4,
SIPCOT, Sriperumbudur Expansion Scheme-2,
Sriperumbudur.
4. The Principal Secretary/Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai -600 008.
5. The Special District Revenue Officer (LA)
SIPCOT, 42, Thirumangaialwar Street,
Sriperumbudur, Kancheepuram District.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records relating the impugned G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013 on

the file of the first respondent and consequent notice under Sec.7(3) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act 10 of 1999 in Ref.Na.Ka.34/2013/A B-6, dated:21-05-2013 on th file of third respondent and to quash the same and to direct the respondents to drop the land acquisition proceeding in pursuant to the impugned G.O.Ms.162, Industries (SIPCOT-LA) 7th December 2011 in Ref.No.II(2)IND/487(b-3)/2011 under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) was published in Tamil Nadu Government Gazette Extraordinary No.454, Dt:7-12-2011 in Part-II, Section-2 as lapsed in virtue of application of provision of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013 coming into effect from 1-1-2014 in the subject matter i.e., Vacant plot bearing No.751 of an extent of 0.02.0 Hectare (2400 Sq.Ft) situate at S.No.40/39, Vallam 'A' Village, Sriperumbudur Taluk and Kancheepuram District.

W.P.No.40676 of 2016 :

S.Kalyani

... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Industries (SIPCOT-LA) Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram Collectorate,
Kancheepuram - 631 501.
3. The Special Tahsildar (LA) Unit-3,
SIPCOT, Sriperumbudur Expansion Scheme-2,
Sriperumbudur.
4. The Principal Secretary/Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai -600 008.
5. The Special District Revenue Officer (LA)
SIPCOT, 42, Thirumangaialwar Street,
Sriperumbudur, Kancheepuram District.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records relating the impugned G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013 on

the file of the first respondent and consequent notice under Sec.7(3) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act 10 of 1999 in Ref.Na.Ka.05/2010/A Block-II, Dt:7-05-2013 on the file of third respondent and notice issued under Section 7(5) and 7(7) of Tamil Nadu acquisition of lands for Industrial Purposes Act 10 of 1999 in Ref.Rc.No.5/2010, dt:02-08-2014. Unit-III, Block-2 on the file of the 2nd respondent herein and to quash the same and to direct the respondents to drop the land acquisition proceeding in pursuant to the impugned G.O.Ms.158, Industries (SIPCOT-LA) 29th November 2011 in Ref.No.II(2)/IND/467(e-6)/2011 under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) was published in Tamil Nadu Government Gazette Extraordinary No.447, Dt:29-11-2011 in Part-II, Section 2 as lapsed in virtue of application of provision of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) coming into effect from 1-1-2014 in the subject matter i.e., farm land situate at Survey No.146/1C, dt. 02-08-14 bearing No.64/2 of an extent of 0.10.0 Hectares and farm land situate at Survey No.146/16 dt. 2-8-14 bearing No.64/5 of an extent of 0.10.0 hectares situated at Vadagal 'B' Village, Sriperumbudur Taluk and Kancheepuram District.

W.P.No.40677 of 2016 :

S.Vijayalakshmi

Vs

.. Petitioner

1. State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Industries (SIPCOT-LA) Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram Collectorate,
Kancheepuram - 631 501.
3. The Special Tahsildar (LA) Unit-3,
SIPCOT, Sriperumbudur Expansion Scheme-2,
Sriperumbudur.
4. The Principal Secretary/
Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai -600 008.

5. The Special District Revenue Officer (LA)
SIPCOT, 42, Thirumangaialwar Street,
Sriperumbudur, Kancheepuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records relating the impugned G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013 on the file of the first respondent and consequent notice under Sec.7(3) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act 10 of 1999 in Ref.Na.Ka.10/2010/A/Block-III, dated:23-05-2013 on the file of third respondent and notice under Sec.7(5) and 7(7) of Tamil Nadu acquisition of lands for Industrial Purposes Act 10 of 1999 in Ref.Rc.No.10/2010, dt:07-10-2014, Unit-III, Block-III on the file of the 2nd respondent herein and quash the same and direct the respondents to drop the land acquisition proceeding in pursuant to the impugned G.O.Ms.156, Industries (SIPCOT-LA) 29th November 2011 in Ref.No.II(2)/IND/467(e-4)/2011 under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) was published in Tamil Nadu Government Gazette Extraordinary No.447, Dt:29-11-2011 in Part-II, Section-2 as lapsed in virtue of application of provision of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) coming into effect from 1-1-2014 in respect of the subject matter ie., farm land bearing No.51, of an extent of 0.10.0 Hectares (10800 Sq.Ft) situate at S.No.143/1B7, Vadakal B Village, Sriperumbudur Taluk and Kancheepuram District.

W.P.No.40678 of 2016 :

M.Jayasudha

.. Petitioner

Vs

1. State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Industries (SIPCOT-LA) Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram Collectorate,
Kancheepuram - 631 501.
3. The Special Tahsildar (LA) Unit-3,
SIPCOT, Sriperumbudur Expansion Scheme-2,
Sriperumbudur.

4. The Principal Secretary/Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai -600 008.
5. The Special District Revenue Officer (LA)
SIPCOT, 42, Thirumangaialwar Street,
Sriperumbudur, Kancheepuram District.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records relating the impugned G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013 on the file of the first respondent and consequent notice under Sec.7(3) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act 10 of 1999 in Ref.Na.Ka.10/2010/A/Block-III, dated:23.05.2013 on the file of third respondent and notice under Sec.7(5) and 7(7) of Tamil Nadu acquisition of lands for Industrial Purposes Act 10 of 1999 in Ref.Rc.No.10/2010, dt:07-10-2014, Unit-III, Block-III on the file of the 2nd respondent herein and quash the same and direct the respondents to drop the land acquisition proceeding in pursuant to the impugned G.O.Ms.156, Industries (SIPCOT-LA) 29th November 2011 in Ref.No.II(2)/IND/467(e-4)/2011 under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) was published in Tamil Nadu Government Gazette Extraordinary No.447, Dt:29-11-2011 in Part-II, Section-2 as lapsed in virtue of application of provision of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013 coming into effect from 1-1-2014 in respect of the subject matter i.e., farm land bearing No.52, of an extent of 0.10.0 Hectares (10800 Sq.Ft) situate at S.No.143/1B8, Vadakal B Village, Sriperumbudur Taluk and Kancheepuram District.

W.P.No.40679 of 2016 :

V.Mahalakshmi

Vs

.. Petitioner

1. State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Industries (SIPCOT-LA) Department,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Kancheepuram District,
Kancheepuram Collectorate,
Kancheepuram - 631 501.
3. The Special Tahsildar (LA) Unit-3,
SIPCOT, Sriperumbudur Expansion Scheme-2,
Sriperumbudur.
4. The Principal Secretary/Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai -600 008.
5. The Special District Revenue Officer (LA)
SIPCOT, 42, Thirumangaialwar Street,
Sriperumbudur, Kancheepuram District.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records relating the impugned G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013 on the file of the first respondent and consequent notice dated 22.07.2013 under Sec.7(3) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act 10 of 1999 on the file of third respondent and to quash the same and to direct the respondents to drop the land acquisition proceeding in pursuant to the impugned G.O.Ms.183, Industries (SIPCOT - LA) 16th December 2011 in Ref.No.II(2)/IND/500(b-2)/2011 under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) was published in Tamil Nadu Government Gazette Extraordinary No.461, Dt:16-12-2011 in Part-II, Section-2 as lapsed in virtue of application of provision of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) coming into effect from 1-1-2014 in the subject matter i.e., Vacant plot bearing No.538 of an extent of 0.02.2 hectare (2400 Sq.Ft) situate at S.No.159/2A1A, Vadagal B Village, Sriperumbudur Taluk and Kancheepuram District.

W.P.No.40680 of 2016 :

P.Vijaya

... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Industries (SIPCOT-LA) Department,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Kancheepuram District,
Kancheepuram Collectorate,
Kancheepuram - 631 501.
3. The Special Tahsildar (LA) Unit-2,
SIPCOT, Sriperumbudur Expansion Scheme-2,
Sriperumbudur.
4. The Principal Secretary/Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai -600 008.
5. The Special District Revenue Officer (LA)
SIPCOT, 42, Thirumangaialwar Street,
Sriperumbudur, Kancheepuram District.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records relating the impugned G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013 on the file of the first respondent and consequent notice under Sec.7(3) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act 10 of 1999 in Ref.No.03/2010/A, dt:05-07-2013 and further notice in Ref:03/2009/A Block-VII, Dt:11.09.2013 on the file of third respondent and notice issued under Sec.7(5) and 7 (7) of Tamil Nadu acquisition of lands for Industrial Purposes Act 10 of 1999 in Rc.03/2010/A, Dt:05-09-2014, Unit No.II, Block-VII on the file of the 2nd respondent herein and to quash the same and to direct the respondents to drop the land acquisition proceeding in pursuant to the impugned G.O.Ms.170, Industries (SIPCOT-LA) 7th December 2011 in Ref.No.II(2)/IND/487 (b-11)2011 under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) was published in Tamil Nadu Government Gazette Extraordinary No.454, Dt:7-11-2011 in Part-II, Section-2 as lapsed in virtue of application of provision of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) coming into effect from 1-1-2014 in the subject matter i.e, Vacant plot bearing No.106 of an extent of 0.02.0 hectare (2400 Sq.Ft) situate at S.No.125/8A & 125/9, Vadagal 'A' Palnallur Village, Sriperumbudur Taluk and Kancheepuram District.

W.P.No.40681 of 2016 :

J.L.A.Kirubakaran

.. Petitioner

Vs

1. State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Industries (SIPCOT-LA) Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram Collectorate,
Kancheepuram - 631 501.
3. The Special Tahsildar (LA) Unit-3,
SIPCOT, Sriperumbudur Expansion Scheme-2,
Sriperumbudur.
4. The Principal Secretary/Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai -600 008.
5. The Special District Revenue Officer (LA)
SIPCOT, 42, Thirumangaialwar Street,
Sriperumbudur, Kancheepuram District.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records relating the impugned G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013 on the file of the first respondent and consequent notice under Sec.7(3) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act 10 of 1999 in Ref.Na.Ka.10/2010/A/Block-III, dated 23-05-2013 on the file of third respondent and notice issued under Sec.7(5) and 7(7) of Tamil Nadu acquisition of lands for Industrial Purposes Act 10 of 1999 in Ref:Rc.10/2010, Dt:07/10/2014, Unit No-III, Block-III on the file of the 2nd respondent herein and quash the same and to direct the respondents to drop the land acquisition proceeding in pursuant to the impugned G.O.Ms.156, Industries (SIPCOT - LA) 29th November 2011 in Ref.No.II(2)/IND/467(e-4)/2011 under Section 3 (1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) was published in Tamil Nadu Government Gazette Extraordinary No.447, Dt:29-11-2011 in Part-II, Section 2 as lapsed in virtue of application of provision of Section 24 of the Right to Fair Compensation and Transparency in

Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) coming into effect from 1-1-2014 in the subject matter i.e., Vacant plot bearing No.58 of an extent of 0.02.0 hectare (2400 Sq.Ft) situate at S.No.142/5A1, Vadakal "B" Village, Sriperumbudur Taluk and Kancheepuram District.

W.P.No.38641 of 2016 :

Ganga Ramamoorthy

.. Petitioner

Vs

1. State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Industries (SIPCOT-LA) Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram Collectorate,
Kancheepuram - 631 501.
3. The Special Tahsildar (LA) Unit-3,
SIPCOT, Sriperumbudur Expansion Scheme-2,
Sriperumbudur.
4. The Principal Secretary/Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai -600 008.
5. The Special District Revenue Officer (LA)
SIPCOT, 42, Thirumangaialwar Street,
Sriperumbudur, Kancheepuram District.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records relating the impugned G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013 on the file of the first respondent and consequent notice under Sec.7(3) of Tamil Nadu Acquisition of Lands for Industrial Purposes Act 10 of 1999 in Ref.Na.Ka.34/2013/A/B-6, dated 21-05-2013 on the file of third respondent and notice issued under Sec.7(5) and 7(7) of Tamil Nadu acquisition of lands for Industrial Purposes Act 10 of 1999 in Ref:Rc.34/2009/A, Dt:17/09/2014, Unit No-4, Block-IV on the file of the 2nd respondent herein and quash the same and to direct the respondents to drop the land acquisition proceeding in pursuant to the impugned G.O.Ms.162, Industries (SIPCOT - LA) 7th December 2011 in Ref.No.II(2)/IND/487(b-3)/2011 under Section 3

(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) was published in Tamil Nadu Government Gazette Extraordinary No.454, Dt:7-12-2011 in Part-II, Section 2 in virtue of application of provision of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) coming into effect from 1-1-2014 in the subject matter i.e., Vacant plot of an extent of 0.02.0 hectare (2400 Sq.Ft) situate at S.No.40/44, Vallam 'A' Village, Sriperumbudur Taluk and Kancheepuram District.

For Petitioners : Mr.J.R.K.Bhavanantham
in all W.Ps.
For Respondents : Mr.M.Karthikeyan
in all W.Ps. Additional Government Pleader
[For R1 to R3 & R5]
: Mrs.Sudharshana Sundar
[For R4]

COMMON ORDER

The petitioners in this batch of cases owned separate properties which became the subject matter of acquisition under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as "Act"). The details are tabulated below:

Sl. No.	Writ Petition No.	Name of the petitioner	Survey No.	Extent
1	W.P.No.40674/2016	Mr.R.Gandhi @ Gandhimathi	44/2A1	0.02.0 Hectare (2400 sq.ft.)
2	W.P.No.40675/2016	Mr.T.Raman	40/39	0.02.0 Hectare (2400 sq.ft.)
3	W.P.No.40676/2016	S.Kalyani	146/1C & 146/1E	0.20.0 Hectare (21500 sq.ft.)
4	W.P.No.40677/2016	S.Vijayalakshmi	143/1B7	0.10.0 Hectares (10800 sq.ft.)

Sl. No.	Writ Petition No.	Name of the petitioner	Survey No.	Extent
5	W.P.No.40678/2016	M.Jayasudha	143/1B8	0.10.0 Hectares (10800 sq.ft.)
6	W.P.No.40679/2016	V.Mahalakshmi	159/2A1A	2400 sq.ft.
7	W.P.No.40680/2016	P.Vijaya	125/8A & 125/9	2400 sq.ft.
8	W.P.No.40681/2016	J.L.A.Kirubakaran	142/5A1	2400 sq.ft.
9	W.P.No.38641/2016	Ganga Ramamoorthy	40/44	2400 sq.ft.

2. The grievances of the petitioners is that initially the petitioners were invited for negotiating the amounts to be determined in terms of Section 7(2) of the said Act, but no agreement in terms of Section 7(2) of the said Act was entered into. In fitness of things, the Land Acquisition Authority should have taken up the matter under Section 7(3) of the Act and should have determined the compensation in accordance with law. However, ignoring the statutory mandate to determine the compensation in terms of Section 7(3) in all cases where the amounts to be paid in terms of Section 7(2) was not consensually arrived at, the third respondent/Special Tahsildar had issued a notice dated 04.06.2013 informing the petitioners that the value of the land has been determined as per G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013. The details of the amount that was determined by the Special Tahsildar or rather adopted in the said G.O., is tabulated below:

Survey No.	Nature	Extent Hec./Ares	Per Sq.Ft. Rs.	Per Ground (Rs. in lakhs)
44/2A1	Punja	1.58.0 (undivided)	190/-	4.56
40/39	Punja	0.02.0	190/-	4.56
146/1C	Punja	0.10.0	160/-	3.84
146/1E	Punja	0.10.0	160/-	3.84
143/1B7	Punja	0.10.0	160/-	3.84
143/1B8	Punja	0.10.0	160/-	3.84
159/2A1A	Punja	2400 Sq.Ft.,	235/-	5.64

Survey No.	Nature	Extent Hec./Ares	Per Sq.Ft. Rs.	Per Ground (Rs. in lakhs)
125/8A	Punja	0.18.0	250/-	6.00
125/9	Punja	0.16.0	250/-	6.00
142/5A1	Manavari	2400 Sq.Ft.,	235/-	5.64
40/44	Punja	0.02.0	190/-	4.56

3. The learned counsel for the petitioners also submitted that only Central Act, 30 of 2013 will apply to this batch of cases. As to the applicability of the Central Act, 30 of 2013, the petitioners raised the same issue before the Special Tahsildar, but was in vain. This is challenged in these batch of writ petitions.

4. Counter has filed and nowhere it is stated Section 7(3) has been followed.

5. Mr.J.R.K.Bavanantham, the learned counsel for the petitioners made a solitary and pointed statement that when statute declares how certain thing shall be done, it shall be done in the manner the statute mandates and no other. In the present case, the third respondent ought to have followed Section 7(3) but instead of determining the amounts to be paid to the land owners by the Government, adopted the G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013 for determining the compensation. This is the statutory responsibility of the third respondent and hence it is bad in law.

6. However, the second respondent/District Collector admits that the compensation amount has been determined in terms of the Government Order referred to above by the petitioners.

7. The expression compensation amount payable under Section 7(3) of the Industrial Purposes Act has to be determined consistent with Sections 23 and 24 of the Land Acquisition Act, 1894. Under Section 23(1) of the Land Acquisition Act, the various conditions or parameters which the Land Acquisition Authority shall bear in mind before quantifying the compensation payable are enumerated, and it is essentially for this purpose, he is required to grant an opportunity to the land owners to participate in an enquiry before passing an award. In this context, the G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013 may give some guidance to the third respondent but it at any rate cannot substitute his need to apply his mind to the facts of the case and does not spare him of his labours in deciding the issue.

8. The method adopted by the Special Tahsildar might have been

considered as an expeditious procedure but expediency bordering on apparent illegality is hardly appreciated or recognised in law.

9. All these writ petitions are allowed and the notices dated 04.06.2013 in Ref.Na.Ka.41/2009/A2/Unit-I, 21.05.2013 in Ref.Na.Ka.34/2013/A B-6, 07.05.2013 in Ref.Na.Ka.05/2010/A Block-II, 23.05.2013 in Ref.Na.Ka.10/2010/A Block-III, 23.05.2013 in Ref.Na.Ka.10/2010/A Block-III, 22.07.2013, 05.07.2013 in Ref.No.03/2010/A and 11.09.2013 in Ref.03/2009/A Block-VII, 23.05.2013 in Ref.Na.Ka.10/2010/A Block-III, and 21.05.2013 in Ref.Na.Ka.34/2013/A B-6 of the third respondent are quashed and the matter is remanded back to the Special Tahsildar who shall issue separate notices on the petitioners at their respective addresses given in the petitions, and the third respondent after granting adequate and effective opportunity of hearing the parties within the spirit of the enquiry under Section 7(3) r/w. Section 7 (5) and (6) of the Act shall pass an award solely on the basis of materials made available before him, uninfluenced by G.O.Ms.No.85, Industries(SIPCOT-LA) Department, dt.17.4.2013. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

ssn

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Industries (SIPCOT-LA) Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram Collectorate,
Kancheepuram - 631 501.
3. The Special Tahsildar (LA) Unit-1,
SIPCOT, Sriperumbudur Expansion Scheme-2,
Sriperumbudur.

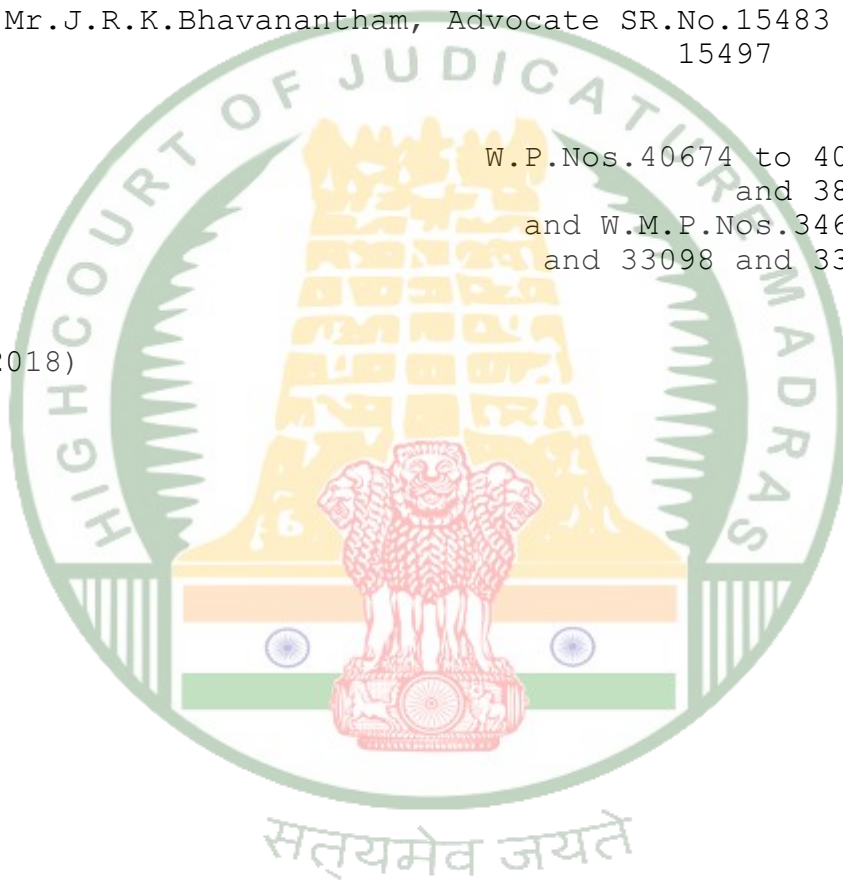
4. The Principal Secretary/Chairman and Managing Director,
SIPCOT, 19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai -600 008.
5. The Special District Revenue Officer (LA)
SIPCOT, 42, Thirumangaialwar Street,
Sriperumbudur, Kancheepuram District.

+1cc to Mr.Sudharshana sundar, Advocate SR.No.15757

+9cc's to Mr.J.R.K.Bhavanantham, Advocate SR.No.15483 to 15490 &
15497

W.P.Nos.40674 to 40681 of 2016
and 38641 of 2016
and W.M.P.Nos.34677 to 34692
and 33098 and 33099 of 2016

PA (CO)
GN(30/05/2018)



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