

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.23957 OF 2009

Madura Coats Private Limited,
No.1, New Jail Road,
Madurai,
rep. by its Manager-Excise & Legal

... Petitioner

Vs

1. State of Tamil Nadu,
rep. by its Secretary,
Revenue Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Commissioner,
Corporation of Tiruppur,
Tiruppur.

3. The Executive Engineer,
Corporation of Tiruppur,
Tiruppur.

... Respondents

PRAYER :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to follow the provisions of the Land Acquisition Act, 1894 for taking over the petitioner's property to an extent of 11.21 cents on the southern boundary at Door No.1, 60/61, SIDCO Industrial Estate, Harvey Road, Tiruppur-641 602, including the payment of compensation for the same as per law.

For Petitioner : Mr.P.R.Raman

For Respondents : Mr.M.Elumalai,
Govt. Advocate for R1

Mr.Silambanan, Sr.Adv. for
Ms.Shanthi for R2

Mr.Chidambaram for R3

O R D E R

This Writ Petition has been filed seeking a direction directing the respondents to follow the provisions of the Land Acquisition Act, 1894 for taking over the petitioner's property to an extent of 11.21 cents on the southern boundary at Door No.1, 60/61, SIDCO Industrial Estate, Harvey Road, Tiruppur-641 602, including the payment of compensation for the same as per law.

2. The case of the petitioner is that the petitioner is a company incorporated under the provisions of Companies Act, 1956, doing the business inter-alia of manufacture of yarns, sewing threads and other textile accessories for inland and export. The petitioner is having factories at Madurai, Ambasamudram and Tuticorin and having sales depots at various places in India including Tiruppur in Tamil Nadu. The petitioner's premises in Tiruppur consists of an extent of 86 cents is utilised as Sales depot at Door No. 1, 60/61, SIDCO Industrial Estate, Harvey Road, Tiruppur. The said piece of land was part of larger extent of 11 acres 1 cent, originally purchased by the petitioner company by way of a sale deed dated 11.09.1947 and before 25 years, the petitioner company has conveyed this extent of land to SIDCO keeping only 86 cents for its own use.

3. Thereafter, the SIDCO allotted the lands to small scale industry and the property had access only from Harvey Road on the northern boundary of the property. While being so, the 2nd respondent by letter dated 20.06.2008 informed to the petitioner stating that there was a proposal to link the Avinashi Road and Uthukuli Road to ease congestion of the traffic and that the southern portion of the petitioner's property measuring 615.5 sq. meter was required. Hence, the 2nd respondent made a request to the petitioner to gift an extent of land measuring 615.5 sq. meter to the Corporation. Immediately thereafter, the petitioner has sent a letter dated 28.07.2008 stating that there was severe

space constraint and it would not be possible to hand over the property as a gift and the land is required for their own purpose.

4. Subsequently, the 2nd respondent has issued another notice dated 05.11.2009 stating that the proposed road would pass through the petitioner's existing building on the southern side of its property and the petitioner was directed to surrender the land to the extent of 40 feet on the southern side to the corporation for enabling them to demolish the existing building and lay the road. Since the petitioner has refused to hand over the property, the 2nd respondent has forcefully acquired the petitioner's property without acquisition proceedings, which is legally unsustainable one and violative of Art. 300-A of the Constitution of India. Aggrieved over the same, the petitioner has filed the present Writ Petition.

5. Mr. P.R.Raman, learned counsel appearing for the petitioner would submit that though initially, the petitioner has conveyed certain extent of land in favour SIDCO, thereafter, the 2nd respondent Corporation has insisted the petitioner to hand over another extent of land for the purpose of laying road, which was refused by the petitioner. Hence, without acquisition proceedings, the 2nd respondent corporation forcibly acquired the land, which is illegal and it is violative of Art. 300-A of Constitution of India. Hence, he prayed to allow this Writ Petition.

6. Mr.Silambanan, learned senior counsel appearing for the 3rd respondent Corporation has fairly conceded to that effect that the petitioner's property was acquired without acquisition proceedings. However, the present Commissioner has addressed a letter dated 06.08.2019 to the District Collector as well as Town and Country Planning Officer directing them to award fair compensation to the petitioner. The learned Senior Counsel has also undertaken that proper compensation will be awarded in favour of the petitioner. Hence, he prayed that based on the above said letter, this Court may issue appropriate orders.

7. Considering the facts and circumstances of the case, initially, the petitioner's land was acquired without consent of the petitioner and though the action of the 2nd respondent is unapproved one, the same is against law. However, the learned senior counsel appearing for the respondent has taken proper steps and the Commissioner has also accepted the petitioner's grievance. Accordingly, he has sent a letter dated 06.08.2019 to

the District Collector and Town and Country Planning Officer for fixation of fair compensation. It appears that the District Collector immediately after receipt of letter dated 06.08.2019 has deputed the Revenue Divisional Officer and other revenue officials for taking necessary steps to fix a fair compensation. In view of the above, I am inclined to issue a direction to the respondents officials to complete the above exercise after hearing the petitioner within a period of twelve weeks from the date of receipt of the copy of this order. Accordingly, the present Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Secretary,
State of Tamil Nadu, Revenue Dept.,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Commissioner,
Corporation of Tiruppur, Tiruppur.
3. The Executive Engineer,
Corporation of Tiruppur,
Tiruppur.

+1cc to Ms.Shanthi, Advocate, S.R.No.74907

+1cc to the Government Pleader, S.R.No.75578

W.P.23957 of 2009

MR (CO)
CS/25/10/2019

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