

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.26356 of 2005

1. T.S.Padmanabhan
2. P.Thirumaran
3. T.Bindhu
4. P.Malini

[3rd respondent is substituted in the place of P.Thirumal (Died) as per Order of this Court dated 16.3.18]Petitioners

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary to Govt.,
Industries, Labour & Co-operation
Department,
Fort St.George, Chennai - 600009.
2. The Land Acquisition Officer and
Special Tahsildar (L.A),
Surgical Instrument Factory and
Defence Department,
Chennai - 600060.Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Government to transfer the remaining land acquired by the respondents for the purpose of setting up Surgical Instrument Factory in 1962 under various G.Os to the petitioners, the original land owners on return of compensation paid by the Government at the time of acquisition.

For Petitioners : Mr.P.Krishnan
For Respondents : Mr.V.Anandhamurthy, AGP

O R D E R

The grievance of the petitioners is that though the lands were acquired in the year 1962, the purpose for which the petitioners have acquired the lands, has not been utilised and

the petitioners' lands which were already acquired, still remains vacant. Hence, they have filed the present writ petition seeking for a direction to the Government to transfer the remaining lands acquired by them in their favour. The petitioners have also offered to return the compensation, which they had received for the acquired lands.

2. The respondents have filed a counter affidavit, in which, it is stated that the Government in G.O.Ms.No.146 dated 23.07.2012 has ordered for the resumption of utilised lands registered for Surgical Instrument Factory, Nandampakkam Village to an extent of 62.08 acre in several survey numbers and the petitioners' lands bearing S.No.141/1 and 141/2 also forms a part of these lands. Hence, the District Collector, Kancheepuram was authorised to take possession of the lands from IDPL and have custody over the same. Therefore, it is seen that the respondents themselves have come out with a statement that the petitioners' lands were not utilised for the purpose for which it was earlier acquired.

3. Nevertheless, a decision to transfer the lands back to the petitioners depends on various other factors also and hence, this Court may not be justified in directing the respondents to straight away transfer the lands to the petitioners based on their request made in the year 2005. As such, if the petitioners are given liberty to approach the respondents seeking for transfer of the lands in their favour, the ends of justice would be met.

4. In the light of the above observations, the petitioners are granted liberty to approach the 1st respondent herein, ventilating their grievances with a representation. On receipt of such a representation, the 1st respondent shall pass appropriate orders, in the light of the stand taken by the respondents in their counter affidavit dated 29.01.2017, as expeditiously as possible, in any event, within a period of 3 months from the date of receipt of copy of this order.

5. Accordingly, the writ petition stands ordered. No costs.

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Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

hvk

To

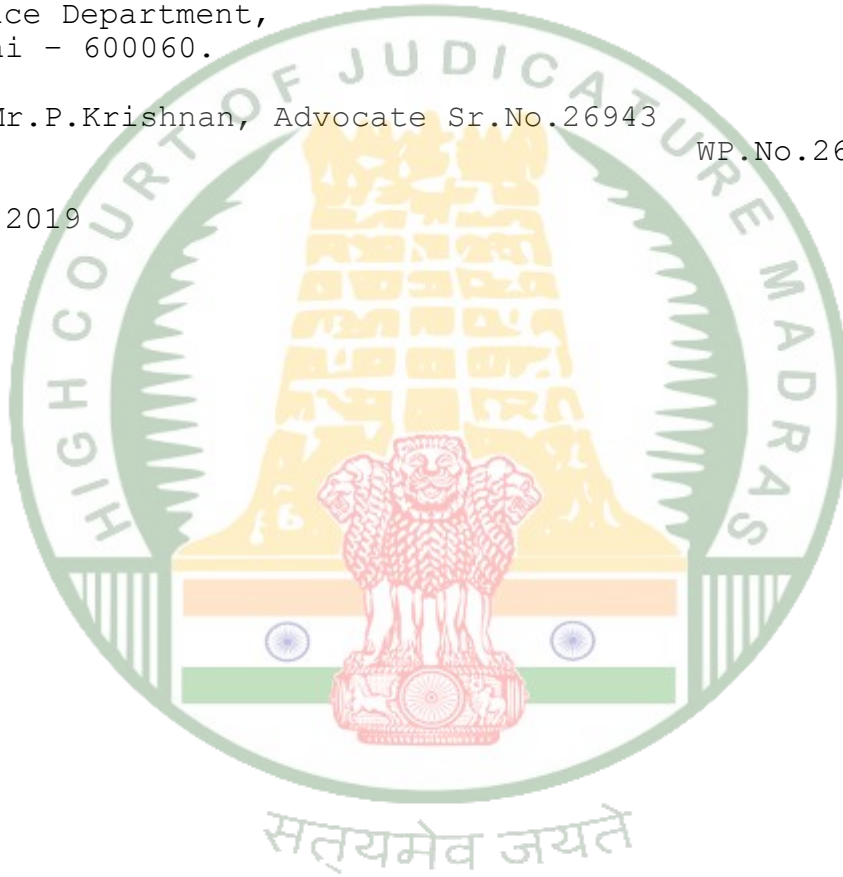
1. The Secretary to Govt.,
Industries, Labour & Co-operation
Department,
Fort St.George, Chennai - 600009.

2. The Land Acquisition Officer and
Special Tahsildar (L.A),
Surgical Instrument Factory and
Defence Department,
Chennai - 600060.

+1 cc to Mr.P.Krishnan, Advocate Sr.No.26943

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VP(CO)
CSL/23.04.2019



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