

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 30900 of 2005
and
W.M.P. 33869 of 2005

Sri Meenakshiamman Educational Trust,
rep. by its Secretary
Mr.V.Arunkumar,
Thirumangalam,
Sriperumbudur Taluk,
Kanchipuram District. Petitioner

Vs

1. The Secretary to Government,
Industries Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. Managing Director,
SIPCOT Limited,
19A, Rukmani Lakshmipathi Road,
Egmore, Chennai-600 008.
3. Special Tahsildar (Land Acquisition),
SIPCOT, No.37, First Floor,
Sriperumpudur Scheme,
Bangalore Trunk Road,
Sriperumbudur. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that the Notification under Section 4(1) of the Land Acquisition Act, 1894 vide impugned G.O.No.618, Industries (MIJ) Department, dated 29.07.1999 and the award No.9/2001 passed by the respondent authorities in so far as the same relates to petitioner's land in Survey Nos.345/1 and 345/2 Thirumangalam Village, Sriperumbudur Taluk, Kancheepuram District measuring 40 cents together with the Industrial Training Institute viz., Annai Indira Industrial Training Institute affiliated to N.C.V.T. (National Council for Vocational Training) and buildings and superstructures existing therein as lapsed.

Prayer amended as per order 09/06/17 and in WMP No.777/17 in WP No.30900/05

For Petitioner : Mr.Thangasivan

For Respondents : Mr.J.Ramesh,
Addl. Govt. Pleader for R1

Mr.Sudharsanasundar,
for R2 SIPCOT

Mr.M.Elumalai,
Addl. Govt. Pleader for R3

O R D E R

This Writ Petition has been filed seeking a declaration to declare the notification under Se.4(1) of the Land Acquisition Act, 1894 vide impugned G.O.No.618, Industries (MIJ) Department, dated 29.07.1999 and the award No.9/2001 passed by the respondent authorities in so far as the same relates to petitioner's land in Survey Nos.345/1 and 345/2 Thirumangalam Village, Sriperumbudur Taluk, Kancheepuram District measuring 40 cents together with the Industrial Training Institute viz., Annai Indira Industrial Training Institute affiliated to N.C.V.T. (National Council for Vocational Training) and buildings and superstructures existing therein as lapsed.

2. The petitioner has challenged the acquisition proceedings in this Writ Petition. Thereafter, this Court by an order dated 09.06.2017 allowed the amendment petition in W.M.P.No.777 of 2017 so as to avail the benefit of Sec.24(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013, Act 30 of 2013 (hereinafter called as "Act").

3. Today, when the matter taken up for hearing, Mr.Thangasivan, learned counsel appearing for the petitioner has expressed his desire to argue the matter under Sec.24(2) of the Act and he has further submitted that already the Hon'ble Apex Court has constituted a Larger Bench in the matter of State of Haryana Vs. G.D. Goenka Tourism Corpn. Ltd. and the Larger Bench passed an order dated 21.02.2018, wherein in paragraph 9, while referring the issue of Sec.24 of the Act to the Larger Bench, the Hon'ble Apex Court had requested all the High Courts not to deal with any cases relating to the interpretation of or concerning Sec.24 of the Act.

4. In view of the above, I am not inclined to deal with the prayer in this Writ Petition at this stage. Accordingly, the Writ Petition stands closed with the agreement that the ultimate decision of the matter before the Hon'ble Apex Court would also govern the present Writ Petitioner. However, the liberty is granted to the petitioner to file an appropriate petition after

the verdict of the Larger Bench in order to enure the benefit of the decision of Hon'ble Apex Court. In the meanwhile, the interim order already granted by this Court continues till the decision of Hon'ble Apex Court. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

rpp

To

1. The Secretary to Government,
Industries Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. Th Managing Director,
SIPCOT Limited,
19A, Rukmani Lakshmipathi Road,
Egmore, Chennai-600 008.
3. The Special Tahsildar (Land Acquisition),
SIPCOT, No.37, First Floor,
Sriperumpudur Scheme,
Bangalore Trunk Road,
Sriperumbudur.

+1cc to Mr.S.Thangasivan, Advocate SR.No.61092

+1cc to Mr.Sudharsanasundar, Advocate SR.No.61343

+1cc to Government Pleader SR.No.62417

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GMY (16/08/2019)