

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.NO.3808 OF 2013

AND

M.P.NOS.1 AND 2 OF 2013

Vasanthi

.. Petitioner

-vs-

1. The State of Tamil Nadu  
Rep. by its Secretary  
Industries Department  
Fort St. George, Chennai - 600 009.
2. The District Collector  
Tiruvannamalai.
3. Special District Revenue  
Officer (Land Acquisition)  
SIPCOT Expansion, Cheyyar Taluk.
4. Special Tahsildar  
SIPCOT Expansion  
Alagu - 9, Cheyyar.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1<sup>st</sup> respondent relating to his proceedings bearing G.O.(Ms)No.89, Industries (SIPCOT-LA) dated 13.07.2010 and quash the same and forebear the respondents from taking possession of the petitioner's lands comprised in S.No.179/3C (0.12.5 Hec.), 179/3D (0.10.0 Hec) and 179/3E (0.10.0 Hec.) in Mathur Village, Cheyyar Taluk, Tiruvannamalai District and pass such further or other orders.

For Petitioner :: Mr.S.Mukunth for  
M/s.Sarvabhauman Associates

For Respondents :: Mr.M.Elumalai,  
Govt. Advocate for R1 & R2  
Ms.S.Sudharsana Sundar  
Standing Counsel for R3 & R4

## ORDER

Mrs.Vasanthi, W/o.Kalai Kumar has filed this writ petition challenging the G.O.(Ms)No.89, Industries (SIPCOT-LA) dated 13.07.2010 and for a consequential direction to forebear the respondents from taking possession of the petitioner's lands comprised in S.No.179/3C (0.12.5 Hec.), 179/3D (0.10.0 Hec) and 179/3E (0.10.0 Hec.) in Mathur Village, Cheyyar Taluk, Tiruvannamalai District.

2. It is the claim of the petitioner that being the owner of the land in question, after purchasing from her husband Mr.Kalai Kumar, they have decided to manufacture utensils and to sell the same at a more competitive rate by setting up a small scale unit. Therefore, the petitioner's husband applied to the Industries Department for permission and the same was also accorded by the District Industries Centre, Tiruvannamalai. On the one hand, when the petitioner was granted permission by the first respondent to set up a small scale industry in the 2<sup>nd</sup> week of March 2009, they were shocked to receive a notice from the District Collector, Tiruvannamalai, Second respondent herein on 13.02.2009, signed by the Special District Revenue Officer, Chennai, third respondent herein on 23.02.2009, under Section 3 (2) of the 'Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997' (hereinafter referred to as 'the Act'), directing the petitioner to show cause within 30 days as to why the lands could not be acquired for the purpose of expanding the SIPCOT Cheyyar Industrial Area.

3. In response to the said notice, the petitioner submitted their objection on 06.04.2009, mentioning various facts that they themselves put up a manufacturing unit in the said land and they were running a small scale industry. In the said objection, the petitioner has also mentioned that their lands are lying only on the fringe of the proposed expansion scheme and therefore, it is possible to separate these lands from the area that was sought to be acquired for expansion of SIPCOT.

4. The learned counsel appearing for the petitioner would submit that the Special District Revenue Officer (Land Acquisition), third respondent herein and the Special Tahsildar, fourth respondent herein also inspected the land and made a recommendation that the acquisition proceedings in respect of the petitioner's land be dropped, on the ground that the lands are not required for the expansion plan, as it does not come within the area, but was only on the fringe area and therefore, it could be de-linked from the acquisition proceedings. However, without taking note of the same, the first respondent has passed the impugned notification. Hence, the petitioner has come forward with present writ petition.

5. On the other hand, the learned Government Advocate appearing for respondent Nos.1 and 2 submitted that the statement made by the petitioner in the affidavit is not correct, as the request of the petitioner to drop the acquisition proceedings with regard to the petitioner's land has been rejected by order dated 27.07.2012, by the fourth respondent, Special Tahsildar, SIPCOT (Expansion). Moreover, the petitioner has no locus standi to object and that her objection is solely intended to have her land excluded from the acquisition proceedings, which cannot be done, as these lands are lying at the entrance to the remaining portion of the lands under acquisition.

6. Adding further, learned Government Advocate would submit that after the notification published in various local offices on 19.02.2009, 20.02.2009 and 26.02.2009, the petitioner's husband applied to the Industries Department, seeking permission to start a small scale industry. The petitioner's application has been acknowledged by the District Industries Centre, Tiruvannamalai. But, the said land was only vacant land at the time of issuance of notification and there was no manufacturing unit as contended by the petitioner. However, the objection given by Mr.Kalaikumar, husband of the petitioner was received on time and his request to exempt his land in S.No.179/3C and 179/3E, to start a small scale industry for manufacturing brass vessels was rejected, citing the reason that these lands are lying at the entrance to the remaining portion of the land under acquisition.

7. The learned Government Advocate would also submit that though respondent Nos.3 and 4 initially felt that the said lands can be exempted from the acquisition, later on, after joint inspection with the officials of the respondents, it has been felt that these lands are very much necessary for the expansion project, as they are lying at the entrance to the proposed lands for acquisition for expansion of Kancheepuram-Vandavasi State Highways. Therefore, as required under rule 6(b) of the Tamil Nadu Acquisition of Lands for Industrial Purposes Rules 2001, enquiry, on the objection received with reference to notice under Section 3(2) of the Act, was conducted on 24.06.2009 at 3.00 p.m. in the Collector's Office, Tiruvannamalai. Taking note of the fact that the writ petitioner was not rightful owner at the time of the publication of notice under Section 3(2) of the Act, as she was a subsequent purchaser, her objection was rejected.

8. The learned Government Advocate would also submit that the petitioner is the wife of original owner viz., Mr.Kalaikumar and whose objection was already considered and moreover, when the notification was issued, the petitioner was not the rightful

owner, only after the issuance of the notification, the petitioner has purchased the property and came to be a subsequent owner and therefore, the petitioner has no locus standi to object and maintain the writ petition.

9. This Court finds merit on the submission made by the learned Government Advocate appearing for respondents 1 and 2. Firstly, after issuance of notice under Section 3(2) of the Act, the petitioner's husband, being the original owner, applied to the Industries Department, seeking permission to start a small scale industry and the same was rejected, as the lands are lying at the entrance to the proposed lands for acquisition. and thereafter, only the petitioner purchased the land from her husband. Therefore, as the petitioner's request to exempt the land in S.Nos.179/3C and 179/3E was already considered and rejected, this Court finds no locus standi for the petitioner to file the writ petition.

10. Secondly, the District Collector also, on an enquiry conducted on 24.06.2019, felt that the lands belonging to the petitioner are very much necessary for the expansion project, as the lands are lying at the entrance to the remaining portion of the land under acquisition. Therefore, this Court finds no merits in this writ petition.

11. Therefore, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Secretary  
Industries Department  
Fort St. George  
Chennai - 600 009.

2. The District Collector  
Tiruvannamalai.

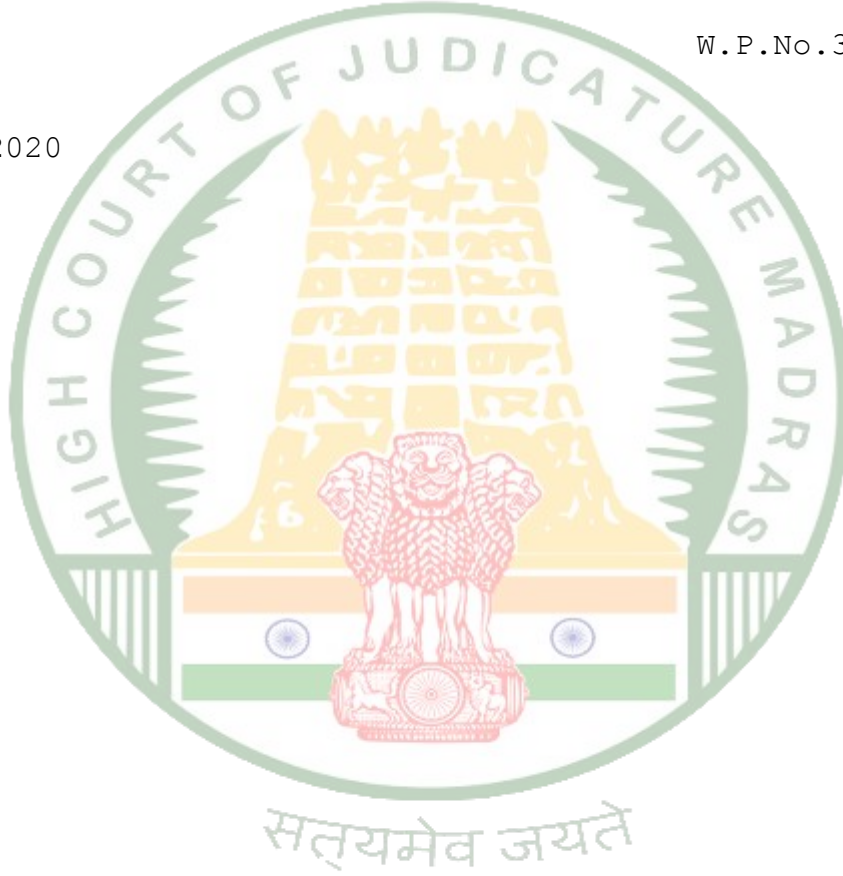
3. Special District Revenue  
Officer (Land Acquisition)  
SIPCOT Expansion  
Cheyyar Taluk.

4. Special Tahsildar  
SIPCOT Expansion  
Alagu - 9, Cheyyar.

+lcc to Ms.S.Sudharsana Sundar, Advocate, S.R.No.89908  
+lcc to M/s.Sarvabhauman Associates, Advocate, S.R.No.90119  
+lcc to Government Pleader, in S.R.No.90711

W.P.No.3808 of 2013

CP (CO)  
CS/29/01/2020



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