

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.10914 of 2019
and WMP Nos.11353, 11355 & 11356 of 2019

1. Chinnathayamma
2. M.Venkatesappa ... Petitioners

Vs.

1. Union of India,
Department of Law and Justice,
Represented by its Secretary,
26, Manshingh Road,
Jaisalmer House,
New Delhi - 110 011.

2. The State of Tamil Nadu,
Rep. by its Secretary,
Industries Department, Secretariat,
Chennai - 600 009.

3. The Secretary to Government,
Law Department,
Secretariat, Chennai - 600 009.

4. The Managing Director,
State Industries Promotion Corporation of
Tamil Nadu (SIPCOT),
No.19A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.

5. The District Collector,
Office of the Collectorate,
Krishnagiri District.

6. The Special Tahsildar,
SIPCOT Phase IV (Unit-III),
Hosur Expansion Scheme,
Shoolagiri Taluk,
Krishnagiri District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of declaration, declaring the Tamil Nadu Acquisition of Land for Industrial Purpose Act 1997 (impugned Act, 1997), its Amending Act, 2005 along with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement 2013, (Tamil Nadu Amended) Act, 2014 dated 05.01.2015 (Impugned Amendment Act, 1 of 2015) amending and inserting Section-105 (A), read with Annexed Schedule No.V to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (New Central Act, 2013) as unconstitutional, illegal, redundant and unworkable and did not save the repugnancy of the State Act, namely the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 (Impugned Act 1997) with the New Central Act, 2013, consequentially declare the acquisition proceedings initiated vide Form-A Notice issued in Na.Ka.29061/2016/SIPCOT IV(Unit-3) dated 24.11.2016, Form-B issued in Roc.No.29061/2016/B2 dated 24.11.2016, issued by the 5th Respondent invoking the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the proceedings dated 12.05.2017, issued in Na.Ka.No.25339/2016/B2 by the 5th Respondent herein, as null and void in so far as the petitioners' lands situated in Survey Nos.106/4A, 81/4, 108/1D, 108/1E, 108/1G, 110/1C of Addakuruki Village, Shoolagiri Taluk, Krishnagiri District.

For Petitioners: Mr.R.Bharath Kumar

For Respondents: Mr.Akhil Akbarali (for R2,R3, R5 & R6)
Government Advocate
Mrs.Sudharshana Sundar (for R4)
Standing Counsel for SIPCOT.

O R D E R

(Order of this Court was made by S.Manikumar, J.)

Petitioner has sought for a Writ of declaration, declaring the Tamil Nadu Acquisition of Land for Industrial Purpose Act 1997 (impugned Act, 1997), its Amending Act, 2005 along with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement 2013, (Tamil Nadu Amended) Act, 2014 dated 05.01.2015 (Impugned Amendment Act, 1 of 2015) amending and inserting Section-105 (A), read with Annexed Schedule No.V to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (New Central Act, 2013) as unconstitutional, illegal, redundant and unworkable and did not save the repugnancy of the State Act, namely the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 (Impugned Act 1997) with the New Central Act, 2013,

consequently declare the acquisition proceedings initiated vide Form-A Notice issued in Na.Ka.29061/2016/SIPCOT IV(Unit-3) dated 24.11.2016, Form-B issued in Roc.No.29061/2016/B2 dated 24.11.2016, issued by the 5th Respondent invoking the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the proceedings dated 12.05.2017, issued in Na.Ka.No.25339/2016/B2 by the 5th Respondent herein, as null and void in so far as the petitioners' lands situated in Survey Nos.106/4A, 81/4, 108/1D, 108/1E, 108/1G, 110/1C of Addakuruki Village, Shoolagiri Taluk, Krishnagiri District.

2. Earlier on 03.07.2019, we passed the following order.

"Mr.R.Bharath Kumar, learned counsel for the petitioner submitted that instant writ petition is squarely covered by a common order made in WP No.22448 of 2018 etc. batch dated 3.7.2019. He further submitted that, acquisition of the land in WP No.10914 of 2019, has been dropped.

2. Mrs.Sudharsana Sundar, learned counsel appearing for respondent No.4, namely SIPCOT, submitted that the said lands are dropped from acquisition proceedings. However, she does not have a copy of the proceedings.

3. Mr.E.Manokaran, learned Additional Government Pleader, submitted that he would ascertain the above in this regard.

Post the matter on 05.07.2019, in the motion list."

3. Reverting and on the basis of the proceedings in Lr.No.LA/Hosur/Ph.III(New)/2007 dated 15.10.2018 of the Managing Director, SIPCOT, 4th respondent and annexure to the said proceedings, addressed to the District Collector, Krishnagiri, Mr.Akhil Akbarali, learned Government Advocate and Mrs.Sudharshana Sundar, learned standing counsel for SIPCOT submitted that insofar as Phase-III & IV of SIPCOT Hosur Industrial Complex, certain lands have been dropped, which includes lands in S.Nos.81, 106 and 108 and others in Addakurukki Village, Krishnagiri District. Relevant portion of the said proceedings is extracted hereunder.

"District : Krishnagiri
Taluk : Hosur (now Shoolagiri)
Administration
sanction issued : Phase III G.O.Ms.No.51, Industries
(MIG.2) Dept. dated 27.05.2014.

Villages Covered : Addakurukki, Nallaganakothapalli &
Doripalli.

Patta : 247.81.0 (612.09 acres)
Poramboke : 90.07.5 (222.48 acres)
Total : 337.88.5 (834.57 acres)

As Stated above, the Board of SIPCOT at its meeting held on 26.9.2018 has approved the proposal as such. It may be noted that the above revised scheme area does not contain any land covered in Phase-III scheme. As such the entire Phase-III scheme, which is covered by the Administrative Sanction issued by the Government in G.O. 1st cited, has to be totally dropped....."

4. Mr.R.Bharath Kumar, learned counsel for the petitioner submitted that land in S.No.110/1C has been mistakenly included in the supporting affidavit, as well as in the prayer sought for. He has also made an endorsement to that effect.

5. Placing on record the proceedings in Lr.No.LA/Hosur/Ph.III(New) /2007 dated 15.10.2018 and the submission of the learned counsel for the petitioner and inasmuch acquisition proceedings have been dropped, there is no need to issue any writ as prayed for.

6. With the above observations, Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Union of India,
Department of Law and Justice,
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New Delhi - 110 011.

2. The Secretary,
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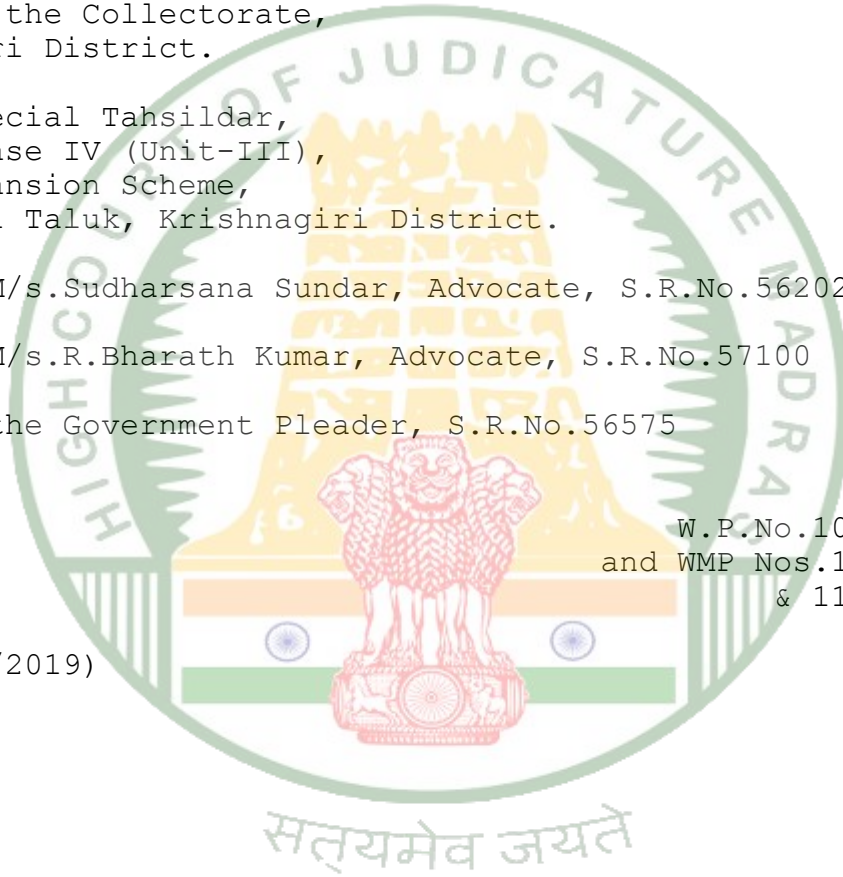
+1 cc to M/s.Sudharsana Sundar, Advocate, S.R.No.56202

+1 cc to M/s.R.Bharath Kumar, Advocate, S.R.No.57100

+1 cc to the Government Pleader, S.R.No.56575

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PPA(CO)
SSM(13/08/2019)



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