

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2019

Coram

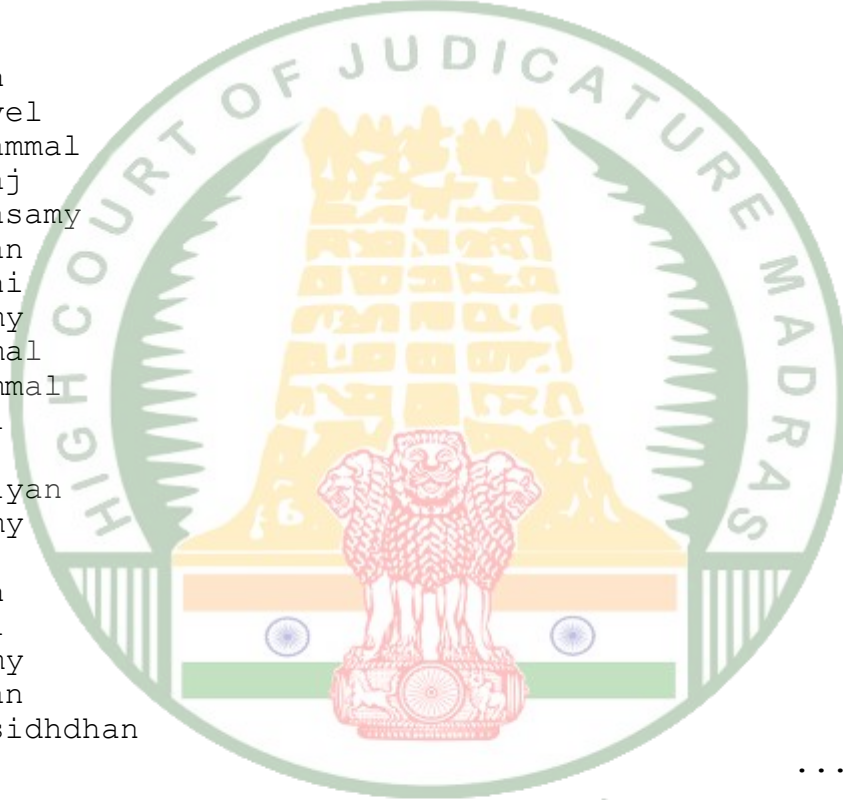
The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.10860 of 2019

and

W.M.P.Nos.11305, 11307 & 11308 of 2019

- 1.Nagaraj
- 2.Maadhu
- 3.Sidhdhan
- 4.R.Vetrivel
- 5.Govindhammal
- 6.Thangaraj
- 7.Govindhasamy
- 8.Markandan
- 9.Subramani
- 10.Munusamy
- 11.Veerammal
- 12.Muniyammal
- 13.Lakshmi
- 14.Sathya
15. Madhaiyan
- 16.Munusamy
- 17.Muniraj
- 18.Ganesan
- 19.Pazhani
- 20.Munusamy
- 21.Sidhdhan
- 22.Chinnasidhdhan



...Petitioners

सत्यमेव जयते
Versus

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.

- 2.The Special Tahsildar (Land Acquisition HPCL),
Nallampalli,
Dharmapuri District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the record of the impugned notice in Na.Ka.No.21391/2016/B1

dated 11.02.2019 published in Daily Thandhi News Paper dated 14.02.2019 by the second respondent and quash the same in so far as the petitioners are concerns.

For Petitioners : Mr.K.Gandhi Kumar
For Respondents : Mr.M.Elumalai,
Government Advocate

O R D E R

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The relief sought for in this Writ Petition is to call for the record of the impugned notice in Na.Ka.No.21391/2016/B1 dated 11.02.2019, published in Daily Thandhi News Paper dated 14.02.2019, by the second respondent and to quash the same in so far as the petitioners are concerned.

3.1. It is the case of the petitioners that they are marginal farmers, owning small extent of lands. Most of them belong to Scheduled Caste and Most Backward Community and they earn their daily bread by doing agriculture. The petitioners' lands were sought to be acquired by the second respondent for constructing petroleum storage warehouses to HPCL (Hindustan Petroleum Corporation Limited). The names of the petitioners and the details of their lands are mentioned hereinbelow in a tabulated column:

Sl.No.	Name of the petitioners	Survey No.	Extent of Land
1.	Nagaraj	179/2	0.16.00 Hectares
2.	Maadhu	179/1	0.14.00 Hectares
3.	Sidhdhan	289/2A	1.81.00 Hectares
4.	R.Vetrivel	186/2	0.75.00 Hectares
5.	Govindhammal	193/1C	0.26.50 Hectares
6.	Thangaraj	289/2A	1.81.00 Hectares
7.	Govindhasamy	290/1	0.35.00 Hectares
8.	Markandan	290/2 & 292/2A	0.205 Hectares & 1.09.00 Hectares
9.	Subramani	289/1C & 289/1D	0.24.50 Hectares & 1.34.50 Hectares
10.	Munusamy	289/1A2	1.16.00 Hectares
11.	Veerammal	187/1D	0.31.00 Hectares

Sl.No.	Name of the petitioners	Survey No.	Extent of Land
12	Muniyammal	180/1C	0.73.50 Hectares
13.	Lakshmi	190/1B, 190/1A & 191/2B	0.26.52Hectares, 0.26.48 Hectares & 0.52.00 Hectares
14.	Sathya	173/1 & 173/3	0.53.28 Hectares & 0.30.36 Hectares
15.	Madhaiyan	161/1	1.28.00 Hectares
16.	Munusmay	177	0.97.00 Hectares
17.	Muniraj	192/1A	0.60.00 Hectares
18.	Ganesan	164/2B & 194/1A	0.17.00 Hectares & 0.45.50 Hectares
19.	Pazhani	163/1A	1.21.50 Hectares
20.	Munusamy	184/1A	0.45.00 Hectares
21.	Sidhadhan	184/1B	0.98.00 Hectares
22.	Chinnasidhdhan	164/1, 165/1 & 184/1B	0.51.50 Hectares, 0.28.50 Hectares & 0.98.00 Hectares

3.2. While the respondents came to visit the lands of the petitioners, the petitioners restricted the respondents from surveying their lands. On 07.05.2018, the petitioners gave their individual representation to the first respondent objecting the acquisition proceedings. But the second respondent issued a Notification in Na.Ka.No.21391/2016/B1 dated 11.02.2019, in "Daily Thanthi" News Paper stating that the petitioners' lands will be acquired under Section 3(2) of the Land Acquisition for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) (hereinafter referred to as 'Act'). Thereafter, on 18.02.2019, the petitioners gave their representation to the second respondent requesting them to drop the acquisition proceedings. But the petitioners' objections were neither considered by the respondents nor the acquisition proceedings were dropped. Therefore, the aggrieved petitioners have filed the present writ petition for the relief stated supra.

4. The learned counsel appearing for petitioners submitted that the petitioners are marginal farmers, owning small extent of lands and if their lands are allowed to be acquired, they will be put to irreparable hardship and therefore, their objections regarding the acquisition proceedings have to be considered by the respondents. He further submitted that though the petitioners have submitted their objections twice, the respondents have not even bothered to consider the same.

5. The learned Government Advocate appearing for the respondents submitted that the petitioners have challenged the Notification issued by the second respondent under Section 3(2) of the Act and no notification has been sent by the respondents under Section 3(1) of the Act to the petitioners.

6. From the submissions made by the counsels on both sides, it is seen that the petitioners have filed this writ petition at the premature stage itself i.e., even before the issuance of Notification under Section 3(1) of the Act. The case of the petitioner is that the second respondent had issued the Notification under Section 3(2) of the Act for acquiring the lands of the petitioners for constructing petroleum storage warehouses to HPCL, against which the petitioners have also gave their objections. The apprehension of the petitioners is that the respondents are attempting to dispossess them from their properties. Therefore, this Court will protect the rights of the petitioners to the extent that till the issuance of Notification under Section 3(1) of the Act, the respondents shall not disturb the possession of the petitioners. Insofar conducting survey in the petitioners' lands, the respondents shall proceed with the same without damaging the standing crops in it.

7. This Writ Petition is disposed of with the above observations. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Special Tahsildar (Land Acquisition HPCL),
Nallampalli,
Dharmapuri District.

+1cc to Mr.K.Gandhi Kumar, Advocate SR.No.35173

+1cc to Government Pleader, High Court, Madras SR.No.36300

W.P.No.10860 of 2019

SJ(CO)
GMY(07/06/2019)



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