

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.26600 of 2018
and
WMP.No. 30972 of 2018

M/s. Gimni Infrastructure
Partnership Firm
rep. By its Partner
Nathmal

... Petitioner

Vs

1. The Principal Secretary to
Government, Industries
(SIPCOT LA) Department
Secretariat
Chennai- 600 009.
 2. The Principal Secretary and
Chairman cum Managing Director
SIPCOT, Egmore
Chennai- 600 008.
 3. The Principal Secretary and
Commissioner for Land Administration
Chepauk, Chennai- 600 005.
 4. The District Collector
Kancheepuram District
Kancheepuram.
 5. The Special Tahsildar
Land Acquisition
Sriperumbudur Expansion
Scheme, Unit 4, Sriperumbudur
Kancheepuram District.
- ... Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to pass appropriate order for withdrawal from land acquisition proceedings with respect to petitioner's land comprised in S.No.14/1 over an extent of 6 acres 77 cents (2.74.0 hectares) and S.No.6 over an extent of 96 cents (0.39.0 hectares) in total 7 acres 73 cents situated in Vallam Village,

Sriperumbudur Taluk, Kancheepuram District pursuant to the notification issued under Section 3(1) of Tamilnadu Acquisition of Land for Industrial purpose Act 1997 (Tamil Nadu Act 10 of 1999) in G.O. Ms. No.102 Industries (SIPCOT LA Department) dated 07.05.2012 and pass such further orders.

For Petitioner : Mr. M. Muthappan

For Respondents : Mr. D. Raja,
Addl. Government Pleader

O R D E R

The prayer in the Writ Petition is to direct the 1st respondent to pass appropriate order for withdrawal from land acquisition proceedings with respect to the petitioner's land comprised in S.No.14/1 over an extent of 6 acres 77 cents (2.74.0 hectares) and S.No.6 over an extent of 96 cents (0.39.0 hectares) in total 7 acres 73 cents situated in Vallam Village, Sriperumbudur Taluk, Kancheepuram District pursuant to the notification issued under Section 3(1) of Tamilnadu Acquisition of Land for Industrial purpose Act 1997 (Tamil Nadu Act 10 of 1999) in G.O. Ms. No.102 Industries (SIPCOT LA Department) dated 07.05.2012.

2. The learned counsel for the petitioner would submit that the petitioner's firm purchased lands to an extent of 16 acres 32 cents (6.61.00 hectares) in Survey Nos. 14/1, 15/3, 15/7, 15/9, 17/3, 17/5B, 17/5C, 17/6, 17/7A, 17/7B, 17/8A, 17/8B and 6 in Vellum Village, Sriperumbudur Taluk for establishing automobile spare parts industry in the said area. The 2nd respondent proposed to acquire the petitioner's land comprised in Survey No.6 over an extent of 0.96 acres, in Survey No.14/1 an extent of 6.77 acres and in total 7.73 acres. The 5th respondent invited objections from the land owners as per Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purpose Act 1997. The petitioner made his objection for excluding his land from the land acquisition proceedings mainly on the ground that the petitioner firm is also going to establish an Industry in the subject land. The said representation of the petitioner was forwarded by the 2nd respondent to the 4th respondent, with recommendation for exclusion of the petitioner's land from the acquisition proceedings. After due enquiry, the 4th respondent sent his report on 04.02.2012 recommending for exclusion of the petitioner's land from the acquisition proceedings.

3. At that stage, the 1st respondent published a Notification under Section 3(1) of the Tamilnadu Acquisition of Land for Industrial purpose Act 1997 (Tamil Nadu Act 10 of 1999) in G.O. Ms. No.102 Industries (SIPCOT LA Department) dated

07.05.2012. Again the petitioner made his representation dated 27.08.2012 to the 2nd and 4th respondents to de-notify his lands from the acquisition proceedings. The 2nd respondent called for the report in his letter dated 21.09.2012 and the 4th respondent sent his report dated 05.05.2013 to the 2nd respondent. Since no action was taken based on the report, the petitioner again made a representation to the 4th respondent, who in turn recommended to de-notify the petitioner's land in his proceedings dated 23.04.2015. As there was no progress for withdrawal of acquisition proceedings, the petitioner filed W.P. No.36116 of 2015. This Court by its order dated 06.11.2015 directed the 2nd respondent to consider and dispose of the petitioner's representation dated 25.09.2015, examining the reports of the District Collector to submit appropriate proposal to the Government within a period of eight weeks thereof. By letter dated 20.02.2016, the 2nd respondent informed that the said lands are very much required for establishing Industries. Again the petitioner submitted a representation to the Government for withdrawal of the land acquisition in respect of the land comprised in S.No.14/1 over an extent of 6 acres 77 cents. The Government called for a report from the 2nd respondent, who submitted his report to the Government and again it was directed to send a proposal withdrawing the acquisition proceedings. The District Collector by his proceedings dated 24.07.2017 sent proposal for withdrawal of the acquisition in Form-D as per Rule 8 of the Tamil Nadu Acquisition of Land for Industrial purpose Act. Based on the said proceedings, the Commissioner for Land Administration, viz., the 3rd respondent submitted his report to the Government vide his letter dated 16.08.2017 recommending to withdraw the land acquisition proceedings with respect to the petitioner's land. But, so far no orders has been passed by the Government. Aggrieved by the said inaction, the present writ petition has been filed before this Court.

4. Heard Mr. M. Muthappan, learned counsel for the petitioner and Mr.D. Raja, learned Additional Government Pleader representing the respondents and perused the material available on records.

5. The writ petition came up for admission on 11.10.2018, notice was ordered and the matter was posted for orders on 29.10.2018. But so far, no counter affidavit is filed by the respondents. Therefore, based on the submissions of the learned counsel for both parties and the materials available on record, particularly considering the fact that the 3rd respondent has sent the report on 16.08.2017 to the 1st respondent, Principal Secretary to Government, Industries (SIPCOT LA) Department, recommending for withdrawal of the land acquisition proceedings with respect to the petitioner's land, which is kept pending for more than one year. Thus, without going into the merits of the case, this Court is inclined to

direct the 1st respondent, viz., Principal Secretary to Government, Industries (SIPCOT LA) Department, Chennai to pass appropriate orders on merits, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after providing suitable opportunity to the petitioner.

6. The Writ Petition is disposed of, with the above direction. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary to Government, Industries (SIPCOT LA) Department Secretariat Chennai - 600 009.
2. The Principal Secretary and Chairman cum Managing Director SIPCOT, Egmore Chennai- 600 008.
3. The Principal Secretary and Commissioner for Land Administration Chepauk, Chennai- 600 005.
4. The District Collector Kancheepuram District Kancheepuram.
5. The Special Tahsildar Land Acquisition Sriperumbudur Expansion Scheme, Unit 4, Sriperumbudur Kancheepuram District.

+1 CC to Mr.M.Muthappan, Advocate sr 14726.

+1 CC to The Govt. Pleader sr 15110.

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SP(13/03/2019)