

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM:

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

W.P.No.29323 of 2018

and

W.M.P.Nos.34269 and 34272 of 2018

B.Sunil Kumar Bhandari

.. Petitioner

Vs.

1.Union of India,
Department of Law and Justice
Represented by its Secretary,
26, Mansingh 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.19 A, RukmaniLakshmipathy Road,
Egmore, Chennai - 600 008.

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

6.The Special Tahsildar,
SIPCOT Phase III (Unit - II),
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 2009 along with the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement 2013, (Tamil Nadu Amendment) Act, 2014 dated 05.01.2015 (Impugned Amendment Act 1 of 2015) amending and inserting Section 105 (A) read with Annexed Schedule No.5 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 dated 14.11.2016 in Roc.28303/2016/B2 and Na.Ka.28617/2016/B-2 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.11888/2016/B2 by the 5th respondent, as null and void in so far as petitioner's lands measuring an extent of 0.70.0 hectares comprised in Survey No.225/2, 0.59.5 hectare in Survey No.227/2E, 0.35.5 hectares comprised in Survey No.226/3B2, 0.73.0 hectare in Survey No.227/2G1, 043.0 hectare in Survey No.227/2G2 and 1.25.0 hectare in Survey No.227/2I totalling an extent 3.43.0 hectare i.e.8.50 acres situate at Nallaganakothapalli Village, Shoologiri Taluk, Krishnagiri District are concerned.

For Petitioner : Mr.R.Bharath Kumar

For R1 : Mr.G.Karthikeyan
Assistant Solicitor General of India

For R2, R3 and R5 : Mr.E.Manoharan
Additional Government

For R4 and R6 : Ms.Sudharsana Sundar
Standing Counsel

ORDER

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

Petitioner has sought for a 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 Amendment) Act, 2014 dated 05.01.2015 (Impugned Amendment Act 1 of 2015) amending and inserting Section 105 (A) read with Annexed Schedule No.5 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 dated 14.11.2016 in Roc.28303/2016/B2 and Na.Ka.28617/2016/B-2 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.11888/2016/B2 by the 5th respondent, as null and void in so far as petitioner's lands measuring an extent of 0.70.0 hectares comprised in Survey No.225/2, 0.59.5 hectare in Survey No.227/2E, 0.35.5 hectares comprised in Survey No.226/3B2, 0.73.0 hectare in Survey No.227/2G1, 043.0 hectare in Survey No.227/2G2 and 1.25.0 hectare in Survey No.227/2I totalling an extent 3.43.0 hectare i.e.8.50 acres situate at Nallaganakothapalli Village, Shoolagiri Taluk, Krishnagiri District are concerned.

2. Special Tahsildar(LA), Phase III - Unit-II, SIPCOT, Shoolari Taluk, Krishnagiri District, at Paragraph No.9 of the counter affidavit dated 04.03.2019, has stated as hereunder:-

"9. It is submitted that later on the Managing Director, SIPCOT has decided to exclude certain lands covered under Phase III of proposed acquisition of lands in the above said villages. Accordingly, the petitioner's lands measuring 3.43.0 hectare in S.No.227/2E, 225/2, 226/3B2/227/2G1, 227/2I of Nallaganakothapalli Village in Shoolagiri Taluk, were excluded and deleted from the acquisition of lands for SIPCOT. Now the petitioners' lands will not be acquired at present. Hence, this writ petition has become infructuous."

3. In view of the specific statement of the Special Tahsildar(LA), Phase III - Unit-II, SIPCOT, Shoolari Taluk, Krishnagiri District, there is no need to issue a declaration. Recording the statement, writ petition is closed. No Costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/--

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

dm
To

1.The Secretary,
Union of India,
Department of Law and Justice
26, Mansingh Road,
Jaisalmer House,
New Delhi - 110 011.

2.The Secretary,
State of Tamil Nadu
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.19 A, RukmaniLakshmipathy Road,
Egmore, Chennai - 600 008.

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

6.The Special Tahsildar,
SIPCOT Phase III (Unit - II),
Shoolagiri Taluk,
Krishnagiri District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 26258

+1cc to Mr.R.Bharath Kumar , Advocate SR.No. 26452

W.P.No.29323 of 2018

and

W.M.P.Nos.34269 and 34272 of 2018

A.SK(26/03/2019)