



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P (MD)No.21325 of 2019

and

W.M.P. (MD)No.17973, 17974 and 17976 of 2019

CT.Subramanian

.. Petitioner

Vs.

- 1.The State Rep by,
Additional Chief Secretary /
Commissioner of Land Administration,
Chennai.
- 2.The Principal Secretary to Government,
Department of Industries,
Chennai.
- 3.The District Collector,
Sivagangai.
- 4.The Special Deputy Collector (Land Acq),
SIPCOT, Sivagangai District.
- 5.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai-8.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order in G.O.(Ms) No.170, Industries (SIPCOT-LA) Department, dated 23.09.2019 issued by the 2nd respondent quash the same and directing the respondents to restore the acquisition proceedings under G.O.Ms.No.281, Industry (SIPCOT-LA) Department, dated 13.12.2015 issued by the 2nd respondent in order to improve the standard of life of the Karaikudi surrounding people.

For Petitioner
For Respondents

: Mr.RM.Arun Swaminathan
: Mr.M.Murugan
Government Advocate



ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.RM.Arun Swaminathan, learned counsel appearing for the petitioner, Mr.M.Murugan, learned Government Advocate, appearing for the respondents. By consent on either side, this writ petition is taken up for final disposal.

2. The petitioner by way of this writ petition seeks for reviving a project, which has now been dropped by the Government. In this regard, the petitioner has challenged G.O.Ms.No.170, Industries Department, dated 23.09.2019.

3. The Government initially vide G.O.Ms.No.281, Industries (SIPCOT-LA) Department, dated 30.12.2015, accorded administrative sanction to acquire lands for setting up a new Industrial Park by SIPCOT in Karaikudi, Sivagangai District, for which proposal was made to acquire the patta land to an extent of 455.93.41 hectares and also 51.45.05 hectares of patta dry land. Now, by the impugned order, dated 23.09.2019, the Government has dropped the proposal agreeing with the reports submitted by the Managing Director, SIPCOT and also ITCOT.

4. The petitioner has now submitted before this Court that there is no genuinity in the decision of the Government and the decision itself is at the behest of certain persons, who owned the lands and real estate promoters.

5. Unfortunately, we cannot enter into such hidden agenda behind dropping of the proposal. Further more, while exercising the power under Article 226 of the Constitution of India, we cannot be called upon to substitute a technical report submitted by SIPCOT or ITCOT. It is for the Government to frame its policies and it is not for us to direct the Government to enact a policy in a particular manner. We can interpret law and we can redo the legal statutory provisions, but we cannot direct the authorities to enact a law. This being the policy decision of the Government, we decline to interfere with the same. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Cs-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Additional Chief Secretary /
Commissioner of Land Administration,
Chennai.

2.The Principal Secretary to Government,
Department of Industries, Chennai.

3.The District Collector,
Sivagangai.

4.The Special Deputy Collector (Land Acq),
SIPCOT, Sivagangai District.

5.The Managing Director,
SIPCOT, 19-A, Rukmsani Lakshmipathy Road,
Egmore, Chennai-8.

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