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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

WP.Nos.32946 to 32949/2004; 32958, 32959 & 32960/2004;
33879 to 33881/2004; 33930 to 33932/2004;
34423, 34424 & 34425/2004; 34840 & 34841/2004; 34842/2004;
34894/2004; 39409 & 39410/2004; 5323/2006; 25501 to 25504/2006;
27813/2006; 32454 to 32457/2006; 32902 & 32903/2006;
17815/2008; 16836/2009; 1193/2013; 9767 & 9768/2018
and
WP.MP.Nos.39867, 39869, 39871 & 39872/2004;
39883 to 39885/2004; 40971, 40973 & 40975/2004;
41036, 41038 & 41040, 41556 & 41558/2004;
42038, 42040, & 42042/2004; 42092 & 42093/2004;
46990 & 46992/2004; 5717/2006; 8043/2018;
8044/2018; 11713 & 11715/2018
and connected MPs

W.P.No.32946 of 2004
Meena Sukumaran,
W/o.G.Subramanian,
Flat No.D4, New No.99,
Ashok Ammoga, 1st Main Road,
Gandhi Nagar, Adyar, Chennai - 20.

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk.
2.The Secretary to Government,
Industries Department,
Secretariat, Fort St. George,
Chennai 600 009.

...Respondents

WP.No.32947 of 2004
S.Ramanathan

...Petitioner

-vs-



1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk.

2.The Secretary to Government,
Industries Department,
Secretariat, Fort St. George,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
made in W.P.MP.Nos.214 & 215 of 2014 in
W.P.Nos.32947 & 32949 of 2004)

...Respondents

WP.No.32948 of 2004

Savithri

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk.

2.The Secretary to Government,
Industries Department,
Secretariat, Fort St. George,
Chennai 600 009.

...Respondents

WP.No.32949 of 2004

Ganesan Manian

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai.

2.The Secretary to Government,
Industries Department,
Secretariat, Fort St. George,
Chennai 600 009.



3.The Managing Director,
SIPCOT,19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

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(R3 impleaded as per order dated 03.12.2014
made in W.P.MP.Nos.214 & 215 of 2014 in
W.P.Nos.32947 & 32949 of 2004)

...Respondents

WP.No.32958 of 2004

Jaishree Shankar

...Petitioner

-vs-

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai.

2.The Secretary to Government,
Industries Department,
Secretariat,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014 in
W.P.MP.Nos.216, 217 & 218 of 2014 in
W.P.Nos.32958, 32959 & 32960 of 2004)

...Respondents

WP.No.32959 of 2004

Shanker

...Petitioner

-vs-

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai.

2.The Secretary to Government,
Industries Department,
Secretariat,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.



(R3 impleaded as per order dated 03.12.2014 in
W.P.MP.Nos.216, 217 & 218 of 2014 in
W.P.No.32958, 32959 & 32960 of 2004)

...Respondents

WP.No.32960 of 2004

Sunil Shankar

...Petitioner

-vs-

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai.
Sriperumbudur Taluk.

2.The Secretary to Government,
Industries Department,
Secretariat, Fort St. George,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014 in
W.P.MP.Nos.216, 217 & 218 of 2014 in
W.P.Nos.32958, 32959 & 32960 of 2004)

...Respondents

WP.No.33879 of 2004

Lalitha Natesan

...Petitioner

-vs-

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai.

2.The Secretary to Government,
Industries Department,
Secretariat, Fort St. George,
Chennai 600 009.

...Respondents

WP.No.33880 of 2004

Jayashree Ramesh

...Petitioner

-vs-

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai.



2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014 in
W.P.MP.Nos.219 & 220 of 2014 in
W.P.Nos.33880 & 33881 of 2004)

...Respondents

WP.No.33881 of 2004

M.D.S.Mani

...Petitioner

-vs-

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014 in
W.P.MP.Nos.219 & 220 of 2014 in
W.P.Nos.33880 & 33881 of 2004)

...Respondents

WP.No.33930 of 2004

D.Natesan

...Petitioner

-vs-

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme,
Irungattukottai.

2.The Secretary to Government,
Industries Department,
Secretariat,
Chennai 600 009.

...Respondents



WP.No.33931 of 2004
Subshree Mani

-vs-

...Petitioner

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai.

2.The Secretary to Government,
Industries Department,
Secretariat,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in W.P.MP.Nos.221 & 222 of 2014
in W.P.Nos.33931 & 33932 of 2004)

...Respondents

WP.No.33932 of 2004

Subshree Venkatesh

-vs-

...Petitioner

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai.

2.The Secretary to Government,
Industries Department,
Secretariat,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in W.P.MP.Nos.221 & 222 of 2014
in W.P.Nos.33931 & 33932 of 2004)

...Respondents

WP.No.34423 of 2004

M.V.Sathyanarayana Prasad

...Petitioner



-vs-

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk.

2.The Secretary to Government,
Industries Department,
Secretariat,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore,
Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in W.P.MP.No.223 to 225 of 2014
in W.P.Nos.34423 to 34425 of 2004)

...Respondents

WP.No.34424 of 2004

Lalitha Krishnan

...Petitioner

-vs-

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk.

2.The Secretary to Government,
Industries Department,
Secretariat,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in W.P.MP.Nos.223 to 225 of 2014
in W.P.Nos.34423 to 34425 of 2004)

...Respondents

WP.No.34425 of 2004

Pradeep Gopalakrishnan

...Petitioner



-vs-

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk.

2.The Secretary to Government,
Industries Department,
Secretariat,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore,
Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in W.P.MP.Nos.223 to 225 of 2014
in W.P.Nos.34423 to 34425 of 2004)

...Respondents

WP.No.34840 of 2004
M.V.Janakiraman

...Petitioner

-vs-

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk,
Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in W.P.MP.Nos.226 & 227 of 2014
in W.P.Nos.34840 & 34841 of 2004)

...Respondents

WP.No.34841 of 2004

Geetha Venkateswaran

...Petitioner

-vs-



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1.The Special Tahsildar, (LA)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk,
Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in W.P.MP.Nos.226 & 227 of 2014
in W.P.Nos.34840 & 34841 of 2004)

...Respondents

WP.No.34842 of 2004

S.Suresh Iyer

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk.

2.The Secretary to Government,
Industries Department,
Secretariat, Fort St. George,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in W.P.MP.No.228 of 2014
in W.P.No.34842 of 2004)

...Respondents

WP.No.34894 of 2004
Kausalya Krishnaswamy

...Petitioner

-vs-



1.State of Tamil Nadu,
Rep. by Secretary to Government,
Industries Department,
Fort St. George,
Chennai 600 009.

2.The Special Tahsildar (Land Acquisition)
SIPCOT, TATCIT Division
Ooragadam Scheme, Irungattu Kottai,
Kancheepuram District.

...Respondents

WP.No.39409 of 2004

Jayashree Rengaraj

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk.

2.The Secretary to Government,
Industries Department,
Secretariat, Fort St. George,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in W.P.MP.Nos.229 & 230 of 2014
in W.P.Nos.39409 & 39410 of 2004)

...Respondents

WP.No.39410 of 2004

Priya Rengaraj

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk., Kancheepuram District.

2.The Secretary to Government,
Industries Department,



Secretariat, Fort St. George,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in W.P.MP.Nos.229 & 230 of 2014
in W.P.Nos.39409 & 39410 of 2004)

...Respondents

WP.No.5323 of 2006

Mahesh Balakrishnan

...Petitioner

-vs-

1.The Special Tahsildar,
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur, Kanchipuram Dist.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in W.P.MP.No.231 of 2014
in W.P.No.5323 of 2006)

...Respondents

WP.No.25501 of 2006

G.Boopathy

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur, Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.



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3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in MP.Nos.1 to 1 of 2014
in W.P.Nos.25501 to 25504 of 2006)

...Respondents

WP.No.25502 of 2006

P.R.Mukundan

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur, Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in MP.Nos.1 to 1 of 2014
in W.P.Nos.25501 to 25504 of 2006)

...Respondents

WP.No.25503 of 2006

M.Muralidharan

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur, Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.



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3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in MP.Nos.1 to 1 of 2014
in W.P.Nos.25501 to 25504 of 2006)

...Respondents

WP.No.25504 of 2006

E.Nandakumar

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur, Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in MP.Nos.1 to 1 of 2014
in W.P.Nos.25501 to 25504 of 2006)

...Respondents

WP.No.27813 of 2006

P.R.Mukundan
P.O.A of B.V.Mohan

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk., Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.



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3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014 in
MP.No.1 of 2014 in W.P.No.27183 of 2006) ...Respondents

WP.No.32454 of 2006

Shanthi Chandrasekar ...Petitioner
-vs-

1.The Special Thasildhar, (L.A.,)
SIPCOT, TACID Division,
Oragadam Scheme,
Irungattukottai, Sriperumpudur,
Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat,
Chennai 600 009. ...Respondents

WP.No.32455 of 2006

D.Chandrasekar ...Petitioner
-vs-

1.The Special Thasildhar, (L.A.,)
SIPCOT, TACID Division,
Oragadam Scheme,
Irungattukottai, Sriperumpudur,
Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600 008.

(R3 impleaded as per order dated 03.12.2014
in MP.Nos.1 to 1 of 2014
in W.P.Nos.32455 to 32457 of 2006) ...Respondents



WP.No.32456 of 2006

Siddharath

...Petitioner

-vs-

1.The Special Thasildhar, (L.A.,)
SIPCOT, TACID Division,
Oragadam Scheme,
Irungattukottai, Sriperumpudur,
Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600 008.

(R3 impleaded as per order dated 03.12.2014
in MP.Nos.1 to 1 of 2014
in W.P.Nos.32455 to 32457 of 2006)

...Respondents

WP.No.32457 of 2006

M.Thulukkanam

...Petitioner

-vs-

1.The Special Thasildhar, (L.A.,)
SIPCOT, TACID Division,
Oragadam Scheme,
Irungattukottai, Sriperumpudur,
Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600 008.

(R3 impleaded as per order dated 03.12.2014
in MP.Nos.1 to 1 of 2014
in W.P.Nos.32455 to 32457 of 2006)

...Respondents



WP.No.32902 of 2006

Swetha

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur, Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in MP.Nos.1 & 1 of 2014
in W.P.Nos.32902 & 32903 of 2006)

...Respondents

WP.No.32903 of 2006

Lakshmi Narasimhan

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk, Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in MP.Nos.1 & 1 of 2014
in W.P.Nos.32902 & 32903 of 2006)

...Respondents



WP.No.17815 of 2008
Rajeswari

...Petitioner

-vs-

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur, Kanchipuram District.

2.The Secretary to Government,
Industries Department,
Secretariat, Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014
in MP.No.1 of 2014 in W.P.No.17815 of 2008)

...Respondents

WP.No.16836 of 2009

Kousalya Krishnaswamy

...Petitioner

-vs-

1.State of Tamil Nadu
Rep. Secretary to Government,
Industries Department,
Fort St. George,
Chennai 600 009.

2.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TATCIT Division,
Oragadam Scheme, Irungattukottai,
Kanchipuram District.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

(R3 impleaded as per order dated 03.12.2014 in
MP.No.1 of 2014 in W.P.No.16836 of 2009)

...Respondents



WP.No.1193 of 2013

Jayesh C.Shah

...Petitioner

-vs-

The Special Thasildhar,
SIPCOT, TACID Division,
Oragadam Scheme,
Irungattukottai,
Kancheepuram District.

...Respondent

WP.No.9767 of 2018

B.Jabamalai

...Petitioner

-vs-

1.State of Tamil Nadu,
Rep. Secretary to Government,
Industries Department,
Fort St. George,
Chennai 600 009.

2.The Special Thasildhar,
(Land Acquisition)
SIPCOT, TATCIT Division,
Oragadam Scheme,
Irungattukottai,
Kancheepuram District.

...Respondents

WP.No.9768 of 2018

B.Siriyapushpam

...Petitioner

-vs-

1.State of Tamil Nadu,
Rep. Secretary to Government,
Industries Department,
Fort St. George,
Chennai 600 009.

2.The Special Thasildhar,
(Land Acquisition)
SIPCOT, TATCIT Division,
Oragadam Scheme,
Irungattukottai,
Kancheepuram District.

...Respondents

PRAYER in W.P.No.32946 of 2004:

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records



comprised in the impugned notice passed by the first respondent dated 24.03.2004 and quash the same.

W.P. No. 32947/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent dated 24.03.2004 and quash the same.

W.P.No. 32948/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent dated 24.03.2004 and quash the same.

W.P.No. 32949/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent dated 24.03.2004 and quash the same.

W.P. No. 32958/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent dated 15.10.2004 and quash the same.

W.P. No. 32959/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent dated 15.10.2004 and quash the same.

W.P. No. 32960/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent dated 15.10.2004 and quash the same.

W.P.No. 33879/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent dated 24.03.2004 and quash the same.

W.P.No. 33880/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent dated 24.03.2004 and quash the same.

W.P.No. 33881/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent dated 24.03.2004 and quash the same.



W.P.No. 33930/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent dated 24.03.2004 and quash the same.

W.P.No. 33931/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent dated 24.03.2004 and quash the same.

W.P.No. 33932/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent dated 24.03.2004 and quash the same.

W.P.No. 34423/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent in Na.Ka. No. 440/2002 A dated 15.10.2004 and quash the same.

W.P.No. 34424/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent in Na.Ka.No. 440/2002 A dated 15.10.2004 and quash the same.

W.P.No. 34425/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent in Na.Ka.No. 440/2002 A dated 15.10.2004 and quash the same.

W.P.No. 34840/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent in Na.Ka.No. 440/2002 A dated 15.10.2004 and quash the same.

W.P.No. 34841/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent in Na.Ka.No. 440/2002 A dated 15.10.2004 and quash the same.

W.P.No. 34842/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent in Na.Ka.No. 440/2002 A dated 15.10.2004 and quash the same.

W.P.No.34894/2004:

Calling for the records relating to the notification dated 07.10.2004 passed by the 1st Respondent under Section 4(2) of the



Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 pursuant to the notice issued under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 in respect of the land measuring about 200 sq.mts comprised in S.No. 83/2F, Egattur Village, Chengleput Taluk, Kancheepuram District and quash the same.

W.P.No. 39409/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent in Na.Ka.No. 440/2002 A dated 15.10.2004 and quash the same.

W.P.No. 39410/2004:

Calling for the records comprised in the impugned notice passed by the first Respondent in Na.Ka.No. 440/2002 A dated 15.10.2004 and quash the same.

WP No.5323 of 2006

calling for the records comprised in the impugned notice passed by the first respondent Na.Ka.440/2002 A dated 15.10.2004.

WP No.25501 of 2006

Calling for the records comprised in the impugned notice passed by the first respondent dated 24.03.2004 and quash the same.

WP No.25502 of 2006

Calling for the records comprised in the impugned notice passed by the first respondent dated 24.03.2004 and quash the same.

WP No.25503 of 2006

Calling for the records comprised in the impugned notice passed by the first respondent dated 24.03.2004 and quash the same.

WP No.25504 of 2006

Calling for the records comprised in the impugned notice passed by the first respondent dated 24.03.2004 and quash the same.

WP No.27813 of 2006

Calling for the records comprised in the impugned notice passed by the first respondent dated 24.03.2004 and quash the same.

WP No.32454 of 2006

calling for the records comprised in the impugned notice passed by the first respondent dt. 12.7.2006 and quash the same

WP No.32455 of 2006

calling for the records comprised in the impugned notice passed by the first respondent dt. 12.7.2006 and quash the same



WP No.32456 of 2006
calling for the records comprised in the impugned notice
passed by the first respondent dt. 12.7.2006 and quash the same

WP No.32457 of 2006
calling for the records comprised in the impugned notice
passed by the first respondent dt. 24.3.2004 and quash the same

WP No.32902 of 2006
calling for the records comprised in the impugned notice
Na.ka.440/02 passed by the first respondent dated 12.7.2006 and
quash the same

WP No.32903 of 2006
calling for the records comprised in the impugned notice
Na.ka.440/02 passed by the first respondent dated 12.7.2006 and
quash the same

WP No.17815 of 2008
calling for the records comprised in the impugned notice in
Na.Ka.No. 440/02 passed by the 1st respondent dated 23.7.2007
and quash the same

WP No.16836 of 2009
calling for the records of the first respondent dated 28/07/2004
relating to the notices issued under Section 3(2) and 4(2) of
the Tamil Nadu Acquisition of Land for the Industrial Purposes
Act 1997 (Tamil Nadu Act 10/99) in Survey Nos. (i) S.No.83/2A,
(ii) in S.No.83/2C, (iii) in S.No.83/2D, (iv) in S.No.83/2E,
situated in 34, Egattur Village, Chengleput, Kanchipuram
District being notices sent in the name of the previous owners
of the above referred lands and quash the same.

WP No.1193 of 2013
forbearing the respondent from blocking the Vandi-pathai
running on the eastern side of S.R.No.100, Ekkattur Village

WP No.9767 of 2018
Calling for the records of the 1st respondent relating to the
Notices Nil dated issued under Section 3(2) and Section 4(2) of
the Tamil Nadu Acquisition of Land for the Industrial Purposes
Act 1997 (Tamil Nadu Act 10/99) in S.No.83/2J situated in No.34,
Egattur Village, Chengalpet, Kancheepuram District and quash the
same



WP No.9768 of 2018

Calling for the records of the 1st respondent relating to the Notices Nil dated issued under Section 3(2) and Section 4(2) of the Tamil Nadu Acquisition of Land for the Industrial Purposes Act 1997 (Tamil Nadu Act 10/99) in S.No.83/2K situated in No.34, Egattur Village, Chengalpet, Kancheepuram District and quash the same.

For Petitioner :Ms.Shobana Ramasubramaniyan in all W.Ps
Except in W.Ps. 34894/2004, 16836/2009,
9767 & 9768/2018

For Petitioner in- Gladys Daniel in
W.Ps.34894/2004, 16836/2009

For Petitioner in- Daniel & Gladys in W.Ps.9767 & 9768/2018

For Respondents:Ms.Sudharsana Sundar (for R1) in all W.Ps
For R3 in W.Ps.32947, 32949, 32958, 32959,
32960, 33880, 33881, 33931, 33932, 34423,
34424, 34425, 34840, 34841, 34842, 39409,
39410/2004, 5323, 25501, 25502, 25503,
25504, 27813, 32455, 32456, 32457, 32902,
32903/2006, 17815/2008, 16836/2009.

Mr.P.H.Aravind Pandian (for R2) in all W.Ps
Additional Advocate General
Assisted by Mr.E.Manoharan
Special Government Pleader

C O M M O N O R D E R

Before entering into the factual matrix and dealing with the contentions of both the sides, it has become necessary to quote the golden words of the Hon'ble Apex Court in the following cases describing and dealing with the property right of an individual in this country as the present batch of writ petitions is an attempt to save the property of the petitioners from the mindless acquisition proceedings.

2. Hon'ble Justice Dr.Dalveer Bhandari of Apex Court in State of Haryana -Vs- Mukesh Kumar reported in (2011) 10 SCC 404 at para 33 has gone to the extent of declaring the right to property as a human right in the following words :-

"The right to property is now considered to be not only a Constitutional or Statutory right but also a human right. Human rights have already been considered in the realm of individual rights such as the right to health, right to



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livelihood, right to shelter and employment etc. But, now human rights are gaining a multifaceted dimension. Right to property is also considered very much a part of the new dimension. Therefore even the claim of adverse possession has to be read in that context."

3. In Greater Noida Industrial Development Authority -Vs- Devendra Kumar reported in (2011) 12 SCC 375 at para 49 the Apex Court has clearly picturised the cruelty of the land acquisition proceedings in the following words by going one step further:-

"It must be remembered that the land is just like mother of the people living in the rural areas of the country. It is the only source of sustenance and livelihood for the land owner and his family. If the land is acquired, not only the present but the future generations of the landowner are deprived of their livelihood and the only social security. They are made landless and are forced to live in slums in the urban areas because there is no mechanism for ensuring alternative source of livelihood to them."

4. In yet another case in L.J.Plantation (P) Ltd., -Vs- State of Karnataka reported in (2011) 9 SCC 1 at para 279:-

"One of the fundamental principles of democratic society inherent in all the provisions of the Constitution is that any interference with the peaceful enjoyment of possession shall be lawful. Let the message, therefore , be loud and clear, that the rule of law exists in this Country even when we interpret a statute, which has the blessings of Art.300-A."

In the same judgment at para 131 it is held as follows:-

"Property rights at times are compared to life which determine access to the basic means of sustenance and considered as pre requisite to the meaningful exercise of other rights guaranteed under Art.21."

Again at para 190, the Hon'ble Apex Court has said as follows:-

"Art.300-A enables the State to put restrictions on the right to property law. The law has to be reasonable. It must comply with other provisions of the Constitution. The limitation or restriction should not be arbitrary or excessive or what is beyond what is required in public interest. The limitation or restriction must not be disproportionate to the situation or excessive."



5. In Siddharam Satlingappa Mhetre -Vs- State of Maharashtra reported in (2011) 1 SCC 694 at para 54, Hon'ble Dr.Dalveer Bhandari .J declared as follows:-

"Life and personal liberty are the most prized possessions of an individual. The inner urge for freedom is a natural phenomenon of every human being. Respect for life and property is not merely a norm or a policy of the State but an essential requirement of any civilized society."

Keeping the above position of law, this Court, enters into the factual matrix of the case compelling the petitioners to rush to this Hon'ble Court challenging the acquisition proceedings to save their property atleast with the help of this court under Art.226 of the Constitution of India.

6. The present batch of writ petitions is filed by the petitioners who are all land owners in Egattur village. The Eye of the Storm centres around the properties which are located in S. No. 83 and a fragmented extent in survey number 85/2 in Egattur village. The Purpose for which the acquisition is sought to be made by the government is for the establishment of an Information Technology Park, Siruseri by the State Industries Promotion Corporation of Tamil Nadu Limited (SIPCOT).

The brief facts required to be unfolded before proceeding to discuss the long drawn legal battle of the petitioners are as follows:

The plots of lands purchased by the writ petitioners were originally owned by one Kanniyappa Naidu and these writ petitioners purchased their respective plots since their plots formed part of an approved layout. It is seen from the copy of the sale deeds that all the purchases had been made prior to the commencement of the acquisition proceedings and most of the land owners had developed this property into Farm house and electricity connection also had been given. A few of the petitioners also obtained patta in their names. Much after these sequence of events, the authorities have come out with the proposal to acquire the subject property plots.

The acquisition proceedings commenced with the service of notice under Section 3(2) to persons who were not the land owners. The first persons who came to know about the proceedings through other means, rushed to this Court and filed Writ Petitions, challenging the notice under Section 3(2) on many grounds besides the main ground that individual notices as contemplated under the Act had not been served on them and that the notification needs to be quashed. These first Writ



Petitions 27602/2004, 28202/2004, 27578/2004 and 24139/2004 were allowed at the admission stage itself on the sole ground that no individual notices under Section 3(2) had been served on the lands owners and that the impugned notice deserves to be quashed. However the orders therein proceeded to say that the acquiring authority may proceed to acquire the proposed lands if need be after serving individual notice to the land owners as contemplated under Section 3(2) of the Act. The date of disposal of these Writ Petitions are given below:

W.P.No.27602 of 2004 - 28.09.2004;
W.P.No.27578 of 2004 - 28.09.2004;
W.P.No.28202 of 2004 - 02.11.2004 and
W.P.No.24139 of 2004 - 28.07.2005

The operative portion of all these orders go to read as follows:

"Accordingly the impugned orders is quashed reserving the liberty of the acquiring authority to issue notice to the individual owners concerned or any person interested about the proposed acquisition and asking for their explanation. The Writ Petition is ordered accordingly."

Thus the orders passed in these Writ Petitions have halted the furtherance of the impugned notification dated 24.03.2004. This notice lost all its sustainability not only in respect of those Writ Petitioners but in general since the terminology used therein is owners and not petitioners. After this point of time, the acquiring officer did not opt to use the liberty to proceed afresh but proceeded to issue notice to others under Section 4(2)(6) and 7(5) of the Act seeking surrender of the acquired lands.

All the aggrieved persons rushed to this Court in various Writ Petitions, few challenging 3(2) notifications, few others challenging 4(2)(6) and 7 (5).

7. The legal proceedings started initially when the landowners were issued with notices under section 3 (2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 referred to as "the Act" in this order. The notices seem to have been issued when proposal to acquire the said lands were initiated at the instance of the government for the purpose which is stated above. The administrative sanction was originally granted by the Government in G.O.Ms. No.115 Industries MID department dated 22.3.2001 invoking the urgency clause under Section 17(1) of the Land Acquisition Act 1894. The lands sought to be acquired are also specified in the letter



granting administrative sanction in two phases located at Egattur, Siruseri, Pudupakkam and Kali pattoor of the year 2001. As stated earlier, the present batch of writ petitions is related to the lands comprised in Survey Number 83 and a small portion in 85/2 in Egattur village.

8. The contentions raised by the Counsel for the petitioners in these writ petitions broadly are as follows:-

(a) Non compliance with the statutory requirement prior to the issuance of section 3(2) Notice under the Act.

(b) The lands are all residential in nature and are duly approved by the authorities.

(c) There are pucca residential buildings duly erected upon proper approval and permission by the local authorities.

(d) Notice of enquiry in some cases have not been served on the persons having interest in the lands.

(e) The proposed project could be viable even without the lands of the Writ Petitioners.

(f) Several other lands in the locality have been dropped subsequently from the acquisition proceedings, after the administrative sanction to acquire them were accorded and hence their lands are also required to be dropped under Articles 14 and the 19 (1) (e) of the Constitution of India.

(g) Further, the lands in which acquisition proceedings were challenged and stay of the proceedings was obtained, were also dropped as could be seen from the counter filed by the respondents in one of the writ petitions in WP 17815 of 2008 dealing with the lands in the same acquisition proceedings. In view of such a stand taken by the Government to implement even the interim order of the Court the Government should have dropped the land acquisition proceedings in respect of the lands of the petitioners also in all fairness.

(h) The Constitutional Rights of the petitioners are violated due to discrimination, delay and non compliance with the Statutory Procedures.

(i) The Government though invoked urgency clause in terms of the 1894 Act and granted sanction as early as 2001 had not pursued the matter with the urgency specified therein, and therefore after twenty long years, the purpose of the entire acquisition proceedings have apparently become stale and non existent.

9. It is seen from the counter filed by the respondent that after the administrative sanction made as early as on 22.03.2001, reclassification of the lands from residential to General Industrial at Egattur, Pudukuppam, Kalipathur and



Siruseri of Tiruporur Union was done vide GO .MS.No.111 dated 11.06.2003 by the Housing and Urban Development Department. Thereafter, the Industries Department vide G.O.MS.No.29, dated 28.01.2004, directed the District Collector, Kancheepuram, to issue notice to the landowners in Form A by causing Publication of the substance of notification in form B at Convenient places in the locality. Pursuant to the said G.O. dated 28.01.2004 notice seems to have been issued under Sec.3(2) to the individual land owners on various dates, which is impugned in all the present writ petitions.

10. The reference to the earlier Court proceedings challenging the acquisition were appropriately taken forward. In some cases, Writ Appeals were filed by the Government against the quashment of similar notice issued under the TN Act 1997. Liberty was obtained to proceed afresh in some cases.

11. The specific stand of the respondents in W.P.No.32949/2004 is that the petitioners' objection was considered and rejected. It is stated that award enquiry has not been proceeded in view of the Stay in WMP No.39872/2004 dated 17.11.2004. The specific stand of the respondents in W.P.No.32946/2004 is that on behalf of the Petitioner Mrs.Meena Sukumaran, one Mr.Ganesan Manian appeared for enquiry and in spite of that, stay of proceeding was granted in WMP No.39871/2004 on 17.11.2004.

12. The notice dated 24.03.2004 issued under Sec.3(2) had been the subject matter of challenge in various writ petitions in earlier round of litigations, wherein this Court quashed the same with liberty to the Respondents to start the proceedings afresh in accordance with law if they so desire. In the present batch also the notice under Section 3(2) of the Tamilnadu Act 1997 dated 24.03.2004, seems to have been issued even before ascertainment from the land owners specifying the purpose of acquisition and the feasibility about it.

13. In this regard it is useful to refer to Section 3 of the Tamilnadu Acquisition of Land for Industrial Purposes which prescribes a procedure to public notice under Sub Section (1) and the Government shall, call upon the owner and any other person, who in the opinion of the Government may be interested in such land, to show cause within such time as may be specified in the notice, why the land should not be acquired. The Government shall also cause public notice to be given in such manner as may be prescribed Section 3(1) states that at any time in the opinion of the Government any land is required for any industrial purpose in furtherance of the objects of this Act, they may acquire such land by publishing in the Tamil Nadu Gazette a notice



specifying the purpose for which the land is required.

14. A conjoint reading of Section 3 (1) and (2) would clearly reveal that even before the publication of the notice under Section 3(1), the Government shall call upon the owners and persons interested to show cause as to why the land should not be acquired. In the present batch of writ petitions, it is the case of the petitioners that such notice was not issued and hence the proceedings are liable to be dropped. Section 3(2) notice has to be preceded by a show cause notice as contemplated under Section 3(2). It is argued that Sec.3(1) publication can be made only after compliance with the requirement under Section 3(2) of the Act.

15. It is to be noted that the Government in their wisdom have refused to accord sanction in respect of acquisition of 53.47.5 hectares of wet and dry lands at Egattur and Navalur Villages in Chengalpattu Taluk as they involve acquisition of large extent of wet lands. Further, the Government has also made a notice of caution, that these lands bordering urban areas have undergone steep price rise and the compensation being granted would be phenomenal and the same would not match the original proposal for which the entire process has to be completed.

16. A notice of caution in this regard is found in the letter dated 08.09.1999 from the Industries Department addressed to the District Collector Kanchipuram. In the said letter, the Government considered the fact that since the lands sought to be acquired in Egattur and Siruseri villages are very near to Chennai City, the land cost for wet/dry lands would be very high. The compensation to the landowners may be higher than the selling price by SIPCOT to prospective Allottee after acquisition proceedings. Therefore the Government was conscious of the fact that the villages from where the lands were sought to be acquired are in close proximity to Chennai city and any delay even in the year 1999 would result in high price of acquisition, which the SIPCOT might itself may not be able to realise from the prospective purchases of the industrial plots, after the formation of the Information Technology Park.

17. Before going into the merits or otherwise of the respective petitions filed by the owners in this batch, it is necessary to record certain previous proceedings held before this Court in respect of the same project lands in Egattur and Siruseri villages. It is found from the typed set of papers, that Sec.3(2) notices which is the subject matter of challenge in all these writ petitions have already been dealt with by this Hon'ble Court at the instance of various landowners. One such writ petition was W.P.No.27578 of 2004, where in the notice issued by the authorities under Section 3(2) of TN Act 1997 was



challenged successfully. The Act prescribes a particular procedure which has to be strictly followed and adhered to. The authorities failed to follow the procedure under Sec.3 of the Act and hence were quashed by this Court. The benefit of the order was reflected in the Writ Petitions subsequently filed by similarly aggrieved persons in Writ Petition Nos. 27602 of 2004, 28202 of 2004 and 24139 of 2004.

18. In this regard, a reference could be made to the decision in the case of Devinder Singh and others Vs. State of Punjab and others reported in 2008(1) SCC 728, wherein the Hon'ble Supreme Court had affirmed that the Land Acquisition Act is an expropriatory legislation and that expropriatory legislation must be strictly construed. Therefore, any lapse on the part of the authorities in adhering to the procedure contemplated would vitiate the entire proceedings and hence the notices were quashed in the earlier round of litigations. Further, interesting aspect which is found from the records available in the form of typed set is that the Special Tahsildar, Industries Department State of Tamil Nadu preferred appeal against the quashing of 3(2) Notice made in W.P.No.27578 of 2004. The said appeal had been taken on file in Writ Appeal in W.A.No.246 of 2008. The Division Bench which dealt with the appeal had recorded the finding that the quashment of notice issued under Section 3(2) of the Tamil Nadu Act 1997 is proper and thereby affirmed the order of the learned single judge quashing the notice. Not stopping there, the Division Bench had recorded the counter filed by the respondents, namely, the State authorities in W.P.No.17815 of 2008 wherein similar challenge was made to the proceedings initiated in respect of the same project.

19. The Division Bench had taken note of the contents of the counter affidavit wherein the Government has excluded various patta lands belonging to several owners from the acquisition proceedings. Recording the said exclusion of such of those lands whose owners questioned the correctness of the acquisition proceedings, the Hon'ble High Court confirmed the order of the learned single judge in so far as quashing of Sec. 3(2) notice.

20. The Division Bench made it clear that the dismissal of the appeal confirming quashment of Section 3(2) notice would not preclude the authorities from initiating acquisition proceedings afresh, in accordance with law. So far no such proceedings seem to have been initiated and the Govt., itself had decided to drop the land acquisition proceedings and dropped also in same cases.



21. Be that as it may, now the present batch of writ petitioners also are aimed at similar 3(2) notice. It is seen from the counter filed by the respondents that award has been passed for the acquired lands. However, it is disputed by the petitioners that they did not receive any notice of such proceedings. It is seen from the counter filed by respondents that the award had been passed on 27.07.2006. At that point of time most of the Writ Petitions dealt with herein have been pending on the file of the Court and the respondent had not taken any steps to intimate either this Court or the Writ Petitioners about the award. This information had been brought to light only in the counter filed in W.P.No.17815 of 2008. This passage of time has caused further damage to the petitioners since they had lost an opportunity even to seek enhancement of compensation.

22. It is seen that in the present batch of writ petitions comprising 23 in numbers have all challenged the notice issued under Section 3(2) of the Tamilnadu Act 1997. Interim Stay has been granted and is in force, right from the day it was granted in the year 2004. When that being the case it is not known as to how the respondents proceeded to get along with the enquiry on the basis of the subsequent notice issued under Sections 5 and 7 of the Act.

23. It is also stated in the counter filed by the SIPCOT in W.P.No.32946 of 2004 the award enquiry has been conducted pursuant to notice issued in this regard on 12.07.2006 and an award dated 27.07.2006 seems to have been passed. The Counter though admits that section 3(2) notice itself was stayed by this Hon'ble Court on 17.11.2004, it is not known as to how further proceedings under Sections 6 and 7 of the Act were continued and award proceedings could have been proceeded with. Therefore, there is no explanation as to how the authorities after the stay of the very notice itself have passed award by proceeding with the award enquiry.

24. It is further noticed from the Counter in W.P.No.32946 of 2004 that her lands have been stated to be excluded from the proposal with other lands in Egattur Village as admitted in the Counter filed by the Special Tahsildar SIPCOT in W.P.No.17815 of 2008.

25. While so, it is not known as to how the Managing Director of SIPCOT who is the third respondent in W.P.No.32946 of 2004 could file the present counter dated 10.12.2014 stating that the award enquiry has been proceeded and an award has also been passed as early as on 27.07.2006. There seems to be a dual stand as the exclusion of lands admitted in the counter filed by the Tahsildar on 09.01.2009, is contradicted in the Counter



filed by the Managing Director, SIPCOT in the year 2014 in respect of the lands comprised in Survey No.83 in Egattur Village by contending that Award has been passed.

26. It is seen from the counter and annexure in the typed set filed by the Govt., certain lands which were dropped from the acquisition proceedings were both during sanction and after administrative sanction. It is interesting to note that lands in Survey No.,90, Egattur Village along with several other survey numbers in 49, 53, 55, 56 and 57 have been dropped from acquisition after the issuance of Administrative sanction. No reason has been given in the counter affidavit filed by the respondent as to why these lands were excluded from the acquisition proceedings after the grant of administrative sanction. The writ petitioners specifically contended that some of the lands which have been dropped, were after the administrative sanction for the acquisition. The basis upon which such exclusion was made is not properly justified by the respondents. Such exercise of picking and choosing some of the lands for acquisition is out and out discriminatory hit by Arts. (14), 19(1) (e) and 21 of the Constitution of India.

27. It is to be noted that after excluding certain lands from the same acquisition proceedings without any acceptable reasons, the respondents have strenuously pleaded before this court opposing the challenge made by the petitioners to Sec.3(2) notice without complying with the mandatory procedure of issuance of notice under Sec.3(1).

28. Further, the Govt., or a Public Sector Undertaking cannot take a dual stand one in favour of certain land owners and another against another set of persons as the Constitutional Mandate of Arts.14, 19(1) and 21 of the Constitution of India clearly prohibit such a discriminatory approach affecting the rights of the individuals adversely. It is not the case of the respondents that the entire lands which stood excluded from the acquisition proceedings were wetlands. It is seen from the annexure that both during and after administrative sanction, lands both dry and wet have been deleted and included.

29. Annexure 1 also contains details about 29 Hectares of Patta lands which were dropped from the acquisition proceedings after the issuance of Administrative sanction, all of which are dry lands. There is nothing on record to substantiate the way and manner by which those lands have been dropped after the administrative sanction accorded by the Government. Therefore, there is force in the submissions of the petitioners that they have been discriminated in the acquisition proceedings, in so far as the lands of some people were dropped at the sweet will of the authorities while their lands were not dropped from the



acquisition though they are similarly situated.

30. Further, the submissions of the petitioners to the effect that lands were dropped from the acquisition proceedings not because that they were wet, even dry lands were dropped cannot be effectively denied by the respondents by producing the records.

31. From the Annexure 1 it is found that all the lands which were dropped from the acquisition proceedings are dry lands in Egattur village. Therefore the submission made by the petitioners that they are discriminated has substance and merits acceptance.

32. As stated above, the counter filed in one of the W.P.No.17815 of 2008, wherein it has been stated that lands for which stay was granted are excluded from the acquisition proceedings. Little now remains to be adjudicated in the present batch, in view of the categorical statement made in the counter affidavit filed in W.P.No.17815 of 2008 as the petitioners before this Court also got stay and there is no reason as to why their lands were not excluded. Further, in view of the order by the Division Bench of this Court in W.A.No.246/08 on the basis of the Counter filed in W.P.No.17815/08, this court is left with no other option but to hold in favour of the petitioners as to drop the land acquisition procedures.

33. As submitted by the petitioners, the acquisition proceedings though initiated in the year 2001 for the purpose of establishing an Information Technology 20 years ago, there is no chance for the survival of the same public purpose as lot of developments have taken place in the meanwhile. The note of caution issued by the Government in letter dated 08.09.1999 Industries Department, has not been followed in letter and spirit by the authorities responsible for the acquisition of the lands for the project. Above all, the cost of the lands and the applicability of the new Act to the lands in question would make the government to spend huge money for acquiring the lands which would be against the public interest.

34. Further, when the notice of proceedings was stayed as early as on 17.11.2004, proceedings for award enquiry as claimed to have been made by the respondents, if so, are nothing but nullity in the eye of law. When the stay admittedly is in force all along, further proceedings thereafter are not proper and could not be countenanced in the eye of law being contemptuous. As such in view of the major thrust of attack on the proceedings commencing from the correctness of Sec.3(2) notice which is presently under challenge and discriminatory treatment against the petitioners including the hike in the price of the lands,



the petitioners have made out a case to succeed.

35. Now coming to the contentions raised by the writ petitioners that even after the administrative sanction for the acquisition of the lands, certain lands were dropped from the acquisition proceedings, this court finds that there is no effective reply from the side of the respondents. The learned counsels for the petitioners relied upon the decision of the Hon'ble Supreme Court in the case of Radhy Shyam (Dead) through LRS. and others Vs. State of Uttar Pradesh and Others reported in (2011) 5 SCC 553 in which it is held categorically that the release of certain lands from the acquisition proceedings after notification would entitle others also to claim for the same treatment on the basis of Article 300A of the Constitution.

36. The Hon'ble Supreme Court categorically stated that the courts should have treated this as sufficient ground for recording a finding that the respondents adopted the policy of pick and choose in acquiring some parcels of land which would be violative of Art.14 of the Constitution.

37. In the present case also there is no explanation coming forward as to why certain lands notified originally have been dropped or left out from the acquisition proceedings. The Hon'ble Supreme Court while dealing with the State action in the celebrated case of Menaka Gandhi -Vs- Union of India reported in AIR 1978 SC 597 discussed the scope of Art.14 of the Constitution as follows:-

" Para 56 The principle of reasonableness which legally as well as philosophically is an essential element of equality or non arbitrariness pervades Art.14 like a brooding omnipresence and the procedure contemplated must answer reasonableness in order to be in conformity with Art.14 . It must be right and just and fair and not arbitrary fancifull or oppressive. Otherwise it would be no procedure at all and the requirement of Art.21 could not be satisfied."

38. Therefore the exclusion of some of the lands of other landowners from the acquisition proceedings while turning deaf ears to the petitioners for the same treatment is certainly not in conformity with the fundamental rights guaranteed under Art.14 of the Constitution. It is also noteworthy to refer to the law declared by the Hon'ble Supreme Court in the case of Hari Ram and another Vs. State of Haryana and others reported in 2010 (3) SCC 621. It was a case where a request for withdrawal from the acquisition by the landowners was rejected, though certain other landowners were exempted from the proceedings. The Hon'ble Supreme Court in that case declared as follows:



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"It is unfair on the part of the State Government in not considering the representations of the appellants, apply the same standards which were applied to other landowners while withdrawing from acquisition of their lands under the same acquisition proceedings. If this Court does not correct the wrong of the State Government it may leave citizens with the belief that what counts for the citizens is right contacts with right persons in the State Government and that judicial proceedings are not efficacious."

39. The action of the State Government in treating present petitioners differently although they are in similar position to that of the other lands owners, whose lands have been released from the acquisition is nothing but discriminatory hit by Arts.14, 19(1) and 21 of the Constitution of India . This pick and choose exercised by the authorities cannot be countenanced being unconstitutional and therefore viewed from this angle as well, the action of the respondents in relieving certain lands and continuing to proceed with the petitioners' lands could not be appreciated and accepted in view of the fundamental and basic principle of equality on which our Constitution thrives.

40. To sum up,

(a) the failure to comply with the procedure prescribed under Sec.3 of the Act before issuing the notice under Sec.3(2) is fatal to maintain the acquisition proceedings against the petitioners as it is trite law that 'if the manner of doing particular act is prescribed under a statute and the same is not followed such action would be a nullity in the eye of law as held by the Hon'ble Apex Court in

(a) Kunwar Pal Singh (Dead) by LRs Vs. State of U.P. and others reported in (2007) 5 SCC 85 ;

(b) Mackinnan Mackenzie and Company Limited Vs. Mackinnan Employees Union reported in (2015) 4 SCC 544 ;

(c) Laxmi Devi Vs. State of Bihar and others reported in (2015) 10 SCC 241 and

(d) Brajendra Singh Yambem Vs. Union of India and another reported in (2016) 9 SCC 20.

In all the cases the Hon'ble Apex Court has laid down a clear law that once a procedure is prescribed, it alone should be followed and not any other procedure of their own. In view of such a clear message, the present proceedings initiated without following the due procedure prescribed under Sec.3 have no legs to stand and consequently are required to be dropped.



(b) Already on the basis of the above principle of law decision was taken by this Court in W.P.No.27578/04 quashing similar proceedings and the same was confirmed in W.A.No.246/08 by the Division Bench of this Court. While so, this Court cannot take a different stand.

(c) The Division Bench while confirming the order in the above writ petition quashing the same land acquisition proceedings in respect of other land owners has given liberty to issue fresh proceedings, if needed. But the respondents have not only initiated fresh proceedings but also gone one step further to drop the proceedings even for the land owners who got stay of the acquisition proceedings. Though the petitioners also do have the benefit of stay, the Land Acquisition Proceedings are not dropped. The act of the respondents thus is violative of Arts.14, 19(1), 21 and 300A of the Constitution of India in view of the law laid down by the Hon'ble Apex Court in the case of Hari Ram and another Vs. State of Haryana and others reported in (2010) 3 SCC 621 and Radhy Shyam (Dead) through LRS. and others Vs. State of Uttar Pradesh and Others reported in (2011) 5 SCC 553.

(d) The land acquisition proceedings were initiated as early as in 2001. The public purpose for which they were initiated would have no longer survived in view of lot of subsequent developments and hence, there is no use to proceed with the proceedings except to fight for an empty cause and Eminent Domain principle, that too using the Emergency clause by demolishing the pucca building put up by the petitioners.

(e) Further, in the past 19 years, the cost of the lands has skyrocketed in the areas where the lands are located and Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has come into force. As per the new Act the cost to be paid to the petitioners is double the rate of the market value which definitely would not only defeat the public purpose for which the lands are sought to be acquired but also would definitely be against the public interest as the money meant for the common people cannot be allowed to be wasted in fair compensation.

(f) Above all this Court cannot close its eyes to the present status of lands sought to be acquired and they all have residential buildings meant for the survival of the petitioners and the cost has to be paid for the building also.

(g) When the acquisition proceedings are under stay in this batch it is not known as to how they are claimed to have been proceeded further ending with the Award as claimed by the respondents before this Court. In view of the stay, those



proceedings are to be ignored and set aside as contemptuous having no legal impact to be relied upon. When notice under Section 3(2) is held to be unsustainable through a judicial order, the progress of acquisition proceedings inching towards notice under Sections 4(2)(6) and 7(5) cannot pass the test of legal correctness.

41. The unmindful attitude of the respondents to the pending proceedings on the file of this Court is deprecated and the concerned officers responsible for proceeding further making the interim stay a mockery without taking any steps to comply with the Division Bench Order are to be taken to task. It is not only that they failed to comply with the Division Bench Order but chose to drop the land acquisition proceedings on their own in favour of certain land owners and proceed further with the same proceedings against the petitioners inspite of the stay granted by this Court.

42. This attitude of the respondents and the officials send a clear message to this court and the society that they never mind for any court orders and they proceed blindly further and further ignoring what is said by the court in the interest of all. They pick and choose and dropped certain lands in favour of certain land owners on their own without any reason and guideline neglecting to initiate fresh proceedings as suggested by the Division Bench but proceeded further to drop the land acquisition proceedings for certain people and pass an Award in the case of the petitioners.

43. For all the reasons summed up this Court has no hesitation to quash the proceedings and accordingly the land acquisition proceedings are quashed and the Writ Petitions, except W.P.No.1193 of 2013 stand allowed. Consequently, connected Miscellaneous Petitions are closed. No costs.

44. In view of the quashing of the land acquisition proceedings, the prayer sought for in W.P.No.1193 of 2013 has become infructuous. Therefore, W.P.No.1193 of 2013 is dismissed as infructuous. Consequently, connected Miscellaneous Petition is closed. No costs.

-s/d-

Deputy Registrar (CS)

True Copy

Sub-Assistant Registrar

sai/pgp



To

1.The Special Tahsildar,
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme, Irungattukottai,
Sriperumbudur Taluk.

2.The Secretary to Government,
Industries Department,
Secretariat, Fort St. George,
Chennai 600 009.

3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai 600008.

+4 Ccs to M/s.P. Subba Reddy, Advocate sr 35169, 35170.
+4 Ccs to M/s. Gladys Daniel, Advocate sr 35116, 35117
+4 Ccs to Daniel & Gladys, Advocate sr 35118, 35119.
+35 Ccs to Mrs. Shobana Ramasubramaniyan, Advocate Sr. Nos.
35331, 35330, 35329, 35328, 35327, 35326, 35325, 35324, 35323,
35322, 35321, 35320, 35319, 35318, 35396, 35316, 35315, 35314,
35313, 35312, 35397, 35310, 35308, 35307, 35306, 35305, 35304,
35303, 35302, 35300, 35299, 35298, 35297, 35301, 35309.

W.P.No.32946 of 2004 & batch

SKY (CO)
SP(06/08/2021)