

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No. 3485 of 2020

M/s.Granite Realty Private limited

(A company registered under the
Companies Act, 1956),

Rep.by its Authorized Signatory - Mr.Azad Singh,
Having Registered Office at
No.49, Floor - 0, Plot - 128A, Eastern chamber,
Poona street, Dana Bundar, Chinchbunder,
Mumbai - 400 009.

...Petitioner

Vs

- 1.The State of Tamilnadu,
Rep.by its Secretary,
Industries Department, Secretariat,
Chennai - 600 009.
- 2.The Managing Director,
State Industries Promotion
Corporation of Tamilnadu (SIPCOT),
No.19 A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.
- 3.The District Collector,
Office of the Collectorate,
Krishnagiri District.
- 4.The Special District Revenue Officer (L.A.),
SIPCOT Phase III & IV,
1/165/3, Rajaji Nagar, 5th Cross,
Royakottai Main Road,
Krishnagiri.
- 5.The Special Tahsildar (L.A.),
SIPCOT Phase III (Unit-II),
Shoolagiri Taluk,
Krishnagiri District.

6.The Tahsildar,
Taluk Office, Shoolagiri -635 117,
Krishnagiri District.

7.The Sub Registrar,
Sub Registrar Office,
Shoolagiri - 635 117,
Krishnagiri.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of mandamus, directing the respondents 4 and 5 to consider and pass orders on the petitioner's representation dated 06.01.2020 for issuance of No Objection Certificate to the petitioner certifying that the lands comprised in Survey Nos.52/1A (1.49.00 Hectares), 53/1A (0.99.50 Hectares), 53/1B (0.96.00 Hectares), 53/2 (1.80.50 Hectares), 54/1 (1.41.00 Hectares), 53/3 (0.23.50 Hectares) and 54/2 (2.17.50 Hectares) situated at Nallakanakothapalli Village, Shoolagiri Taluk, Krishnagiri District, and in Survey Nos.128/1 (0.16.00 Hectares), 128/2 (0.80.00 Hectares), 153/6D1 (0.18.50 Hectares), 158/1 (0.23.00 Hectares), 158/2A (0.15.00 Hectares), 158/2B (0.72.50 Hectares), 158/2C (0.80.50 Hectares), 161/2A (0.49.00 Hectares), 161/2B (0.22.00 Hectares), 161/2C (0.28.00 Hectares), 162/2A1 (0.33.50 Hectares), 162/2B1 (0.70.00 Hectares), 162/4A1 (0.22.50 Hectares), 164/1A (0.22.50 Hectares), 164/1C1 (0.30.50 Hectares), 164/2 (0.55.50 Hectares), 164/3C1 (0.3.00 Hectares), 164/4A (0.7.00 Hectares), 164/4C1 (0.73.00 Hectares), 165/4 (0.11.50 Hectares), 166/4A (0.12.00 Hectares), 166/5B (0.9.00 Hectares), 166/6B (0.8.00 Hectares), 166/7 (0.10.50 Hectares), 161/3 (1.10.00 Hectares), 128/3 (0.21.0 Hectares) and 133/8 (2.24.00 Hectares) situated at Addagurikki Village, Shoolagiri Taluk, Krishnagiri District, are not under any Land acquisition proceedings at present, within the time to be stipulated by this court.

For petitioner : Mr.Bharat Kumar

For respondents : Mr.D.Raja

Additional Government Pleader

for R1, R3 & R5

Mr.E.Manoharan

Special Government Pleader for R2

Mr.T.M.Pappiah

Special Government Pleader for R7

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ORDER

The present writ petition has been filed for the issue of writ of mandamus directing the SIPCOT to issue a No Objection Certificate on the basis of the representation made by the petitioner on 06.01.2020.

2. The case of the petitioner is that they were the absolute owners of the lands. In the year 2015, the Managing Director of SIPCOT issued an administrative sanction to acquire lands to establish a new industrial part. The matter was placed before the Government. Subsequently, the third respondent had also issued notice to the owners of various lands to appear for the enquiry. The objections were submitted by the owners and it was requested to exclude the lands from acquisition.

3. The District Collector, by an order dated 12.05.2017 rejected the objections made by the various land owners and went ahead with the process of acquisition. A writ petition was filed to declare the acquisition proceedings as illegal and unconstitutional by virtue of coming into force of the new Act in the year 2013.

4. The Division Bench of this Court allowed all the writ petitions. However, subsequently the Act has been validated after getting the assent of the President of India.

5. The further case of the petitioner is that a field inspection was conducted and by letter dated 15.10.2018 the Managing Director of SIPCOT had informed the District Collector to drop the proceedings with regard to certain lands in Phase - IV. According to petitioner, their lands also falls under Phase - IV. The petitioner made a representation on 06.01.2020, requesting the respondents to issue a No Objection Certificate to enable the petitioner to deal with the property. Since, the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

6. Heard Mr. Bharat Kumar, learned counsel for the petitioner and Mr. D. Raja, learned Additional Government Pleader for R1, R3 & R5, Mr. E. Manoharan, Special Government Pleader for R2 and Mr. T. M. Pappiah, Special Government Pleader for R7.

7. Taking into consideration, the facts and circumstances of the case and the limited relief that has been sought for in this writ petition and without going into the merits of the case, there shall be a direction to respondents 4 & 5 to consider the representation made by petitioner on 06.01.2020 after consulting respondents 1 to 3 and deal with the same in accordance with law

and pass appropriate orders within a period of twelve weeks from the date of receipt of copy of this order. The petitioner shall make a fresh representation to 4th and 5th respondents along with a copy of the representation dated 06.01.2020 and the copy of the letter dated 15.10.2018 of the second respondent and also a copy of this order. The copy of the representation shall also be marked to respondents 1 to 3.

8. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Secretary,
The State of Tamilnadu
Industries Department, Secretariat,
Chennai - 600 009.
2. The Managing Director,
State Industries Promotion
Corporation of Tamilnadu (SIPCOT),
No.19 A, Rukmani Lakshmiipathy Road,
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3. The District Collector,
Office of the Collectorate,
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4. The Special District Revenue Officer (L.A.),
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6.The Tahsildar,
Taluk Office, Shoolagiri -635 117,
Krishnagiri District.

7.The Sub Registrar,
Sub Registrar Office,
Shoolagiri - 635 117,
Krishnagiri.

+1cc to The Government Pleader, sr no.25188

W.P.No.3485 of 2020

KS (CO)
RMP (07/08/2020)



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