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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

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THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.10747 OF 2013, 34845 OF 2015

AND M.P.NOS.1,2 OF 2013 AND 1,2 OF 2015

Sasikala Arumugam

... Petitioner in both WP's

Vs

1.The Secretary to Government
Government of Tamilnadu
Industries Department,
Fort St. George,
Chennai - 600 009.

2.The Chairman & Managing Direcotr
SIPCOT,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

3.The District Collector,
Kancheepuram District,
Kancheepuram.

4.The Special Revenue Officer (LA)
SIPCOT,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

5.The Special Tahsildar (LA)
Oragadam Extension Scheme,
SIPCOT, Phase - I,
Sriperumbudur,
Kancheepuram District.

6.Renault Nissan India Pvt. Ltd.
Krisp Park, Vandalur - Kelambakkam Road,
Chennai - 600 048.

...Respondents in both WP's

PRAYER in W.P.No.10747 of 2013:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus,



calling for the records relating to the impugned Notification dated 25.05.2007 published by the first respondent in the Government Gazette No.138 (SIPCOT-LA) and the consequential order dated 04.07.2011 Ref.Rc.No.38/07 passed by the 3rd respondent and quash the same and consequently direct the respondents to handover possession of the petitioner's land measuring Ac.03-10 cents (1.30.5 Hectares) comprised in Survey No.54/1, Old Survey No.169/1, Oragadam Village, Sriperumbudur Taluk, Kancheepuram District, to the petitioner in the event of the petitioner not allotting / handing over alternative land, within a time to be fixed by this Hon'ble Court.

PRAYER in W.P.No.34845 of 2015:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records relating to the proceedings under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 dated 06.02.2007 and the consequential Notification under Section 3(1) dated 25.05.2007 initiated for land acquisition by the respondent authorities in respect of the petitioner's land measuring Ac.03-10 cents (1.30.5 Hectares) comprised in Survey No.54/1, Old Survey No.169/1, Oragadam Village, Sriperumbudur Taluk, Kancheepuram District and quash the same as having lapsed as per Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and consequently direct the respondent authorities to handover the said land to the petitioner within a time to be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Thanka Sivan
in both WP's

For Respondents 1, 3, 4, 5 : Mr.Richardson Wilson,
in both WP's Government Advocate

For Respondent 2 : Mrs.Sudarshana Sunder
in both WP's

For Respondent 6 : Mr.M.Velmurugan
in both WP's

C O M M O N O R D E R

The W.P.No.10747 of 2013 is filed to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned Notification dated 25.05.2007 published by the first respondent in the Government Gazette No.138 (SIPCOT-LA) and the



consequential order dated 04.07.2011 Ref.Rc.No.38/07 passed by the 3rd respondent and quash the same and consequently direct the respondents to handover possession of the petitioner's land measuring Ac.03-10 cents (1.30.5 Hectares) comprised in Survey No.54/1, Old Survey No.169/1, Oragadam Village, Sriperumbudur Taluk, Kancheepuram District, to the petitioner in the event of the petitioner not allotting / handing over alternative land, within a time to be fixed by this Hon'ble Court.

2. The W.P.No.34845 of 2015 is filed to issue Writ of Certiorarified Mandamus, calling for the records relating to the proceedings under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 dated 06.02.2007 and the consequential Notification under Section 3(1) dated 25.05.2007 initiated for land acquisition by the respondent authorities in respect of the petitioner's land measuring Ac.03-10 cents (1.30.5 Hectares) comprised in Survey No.54/1, Old Survey No.169/1, Oragadam Village, Sriperumbudur Taluk, Kancheepuram District and quash the same as having lapsed as per Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and consequently direct the respondent authorities to handover the said land to the petitioner within a time to be fixed by this Hon'ble Court.

3. Heard Mr.S.Thanka Sivan, the learned counsel for the petitioner and Mr.Richardson Wilson, Government Advocate for the respondents 1, 3, 4, 5 and Mrs.Sudarshna Sunder, the learned counsel for respondent 2 and Mr.M.Velmurugan, the learned counsel for respondent 6 in both writ petitions.

4. The petitioner challenged the acquisition proceedings initiated under Section 8 of the Tamil Nadu Acquisition of Land in Industrial Purposes Act, 1997 on various grounds. However, after filing counter and additional Typed Set of papers by the respondents, the petitioner concedes that the acquisition proceedings initiated by the respondents is in the manner known to law.

5. However, the learned counsel for the petitioner would submit that the petitioner will be given liberty to raise objections for reference with regards to enhancement of compensation.

6. Considering the above submission, the writ petition is dismissed as devoid of merits. However, the petitioner is at liberty to make reference under Section 8 of the Tamil Nadu Acquisition of Land in Industrial Purposes Act, 1997 before the third respondent herein. The third respondent is directed to considered the same on merits in accordance with law. It is



made clear that the period of pendency of writ petition may be excluded while considering the reference to be made under Section 8 of the Tamil Nadu Acquisition of Land in Industrial Purposes Act, 1997.

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7. Accordingly, these writ petitions are dismissed. No order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
Government of Tamilnadu
Industries Department,
Fort St. George,
Chennai - 600 009.
- 2.The Chairman & Managing Direcotr
SIPCOT,
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- 3.The District Collector,
Kancheepuram District,
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- 4.The Special Revenue Officer (LA)
SIPCOT,
19-A, Rukmini Lakshmipathy Salai,
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- 5.The Special Tahsildar (LA)
Oragadam Extension Scheme,
SIPCOT, Phase - I,
Sriperumbudur,
Kancheepuram District.

+1cc to Mrs.Sudarshana Sunder, Advocate, S.R.No.42200
+1cc to Mr.S.Thanka Sivan, Advocate, S.R.No.42581
+1cc to the Government Pleader, S.R.No.4269

W.P.Nos.10747 of 2013, 34845 of 2015
and M.P.Nos.1, 2 of 2013 and 1, 2 of 2015

GPL(CO)
PM/16/09/2021