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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.19803 OF 2012 AND W.P.NO.15099 OF 2013

AND

M.P.NO.2 OF 2012, M.P.NO.2 OF 2013 AND

W.M.P.NO.12178 OF 2017

W.P.No.19803 of 2012

1. Pillappa
2. Madhi Reddy
3. Narayanappa
4. Chowdareddy
5. Venkatasamy
6. Venkatasami

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Industrial Department,
Fort St.George, Madras - 600 009.
2. The Special Tahsildar,
SIPCOT,
Hosur.
3. The District Collector,
Krishnagiri,
4. The Chairman and Managing Director,
State Industries Promotion Corporation of
Tamil Nadu Ltd., (SIPCOT),
No.19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai.

[R4 Suo-Motu impleaded vide order dated 23.04.2021
made in W.P.No.19803 of 2012]

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records on the file of the first respondent in G.O.Ms.27, Industries,



(MIG2) dated 02.02.2012 and published in Tamil Nadu Government Gazette Part II Section 2 dated 02.02.2012 and quash the same as illegal, incompetent and unconstitutional, in so far as S.Nos.162/1A, 1B, 1D1, 1D3, 1E2, 1F, 162/2A, 2B and 2C of Mornapalli Village, Hosur Taluk, Krishnagiri District.

W.P.No.15099 of 2013

N.Srinivasan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Industries Department,
Fort St.George, Madras - 600 009.
2. The District Collector,
Tiruvannamalai.
3. The Special Tahsildar (Land Acquisition),
SIPCOT Expansion, Unit-5,
Cheyyar.
[R-3 impleaded as per order dated 07.11.2019 made in
W.M.P.No.31075 of 2019 in W.P.No.15099 of 2013]
4. The Chairman and Managing Director,
State Industries Promotion Corporation of
Tamil Nadu Ltd., (SIPCOT),
No.19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai.

[R4 Suo-Motu impleaded vide order dated 23.04.2021
made in W.P.No.15099 of 2013]

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records on the file of the first respondent in G.O.55, Industries (SIPCOT LA) dated 09.06.2010 and G.O.98 industries, (SIPCOT LA) dated 23.07.2010 and quash the proceedings therein as illegal, incompetent, without jurisdiction and unconstitutional, in so far as the lands belonging to the petitioner in Survey Numbers.168/1A1 and 168/1A2 of Kunnavakkam Village and 222/3 of Karanai Village, Cheyyar Taluk, Tiruvannamalai District.

For Petitioners
in both W.Ps : Mr.V.Raghavachari



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For Respondents

in both W.Ps : Mr.M.R.Gokul Krishnan
Government Advocate
(for R-1, to R-3)

: Mrs.Sudarshana Sundar (for R-4)

C O M M O N O R D E R

W.P.No.19803 of 2012 has been filed seeking to quash G.O.Ms.27, Industries, (MIG2) dated 02.02.2012 on the file of the first respondent and published in Tamil Nadu Government Gazette Part II Section 2 dated 02.02.2012, insofar as S.Nos.162/1A, 1B, 1D1, 1D3, 1E2, 1F, 162/2A, 2B and 2C of Mornapalli Village, Hosur Taluk, Krishnagiri District is concerned.

2. W.P.No.15099 of 2013 has been filed seeking to quash G.O.Ms.No.55, Industries (SIPCOT-LA) dated 09.06.2010 and G.O.Ms.No.98, industries (SIPCOT-LA) dated 23.07.2010 on the file of the first respondent, in so far as the lands belonging to the petitioner in S.Nos.168/1A1 and 168/1A2 of Kunnavakkam Village and 222/3 of Karanai Village, Cheyyar Taluk, Tiruvannamalai District is concerned.

3. The case of the petitioners is that the petitioners' lands in S.Nos.162/1A, 1B, 1D1, 1D3, 1E2, 1F, 162/2A, 2B and 2C of Mornapalli Village, Hosur Taluk, Krishnagiri District and S.Nos.168/1A1 and 168/1A2 of Kunnavakkam Village and 222/3 of Karanai Village, Cheyyar Taluk, Tiruvannamalai District are sought to be acquired under the Tamil Nadu Acquisition of Land (for Industrial Purposes) Act, 1997 (hereinafter referred to as 'the Act' for short). The petitioners were served with notice under Section 3(2) of the Act. On receipt of the same, the petitioners in W.P. No. 19803 of 2012 raised their objections on 15.06.2007 and the petitioner in W.P. No. 15099 of 2013 made a representation dated 16.02.2009. Thereafter, the petitioners were served with Form-B as contemplated under Section 3(2) of the Act. On receipt of the same, the petitioners in W.P. Nos. 19803 of 2012 have issued legal notice dated 15.03.2008. According to the petitioners, the subject lands includes their residential area. Further, the objections raised by the petitioners in W.P. No. 19803 of 2012 are as follows:-

"1. that the lands are the petitioners' family are subjected to repeated acquisitions.

2. State has left the lands unutilized and there is no need for the present acquisition.

3. the proceedings are offensive of Article 300A of the constitution of India.

4. Repeated acquisitions of the petitioners



properties offends Human Rights and Constitutional Guarantees.

5. the provisions of the Act 10 of 1999 was not followed."

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4. Thereafter, no orders were passed on their objections as required under Section 3(3) of the Act. When the cause was shown against the acquisition, it is a duty of the Government to pass orders after due application of mind. Without passing any order on the objections, the petitioners were furnished with a copy of the order passed under Section 3(1) of the Act. Thereafter, they were served with notice under Section 4(2) of the Act calling upon them to handover possession within a period of 30 days from the date of receipt of the notice. Therefore, the entire acquisition proceedings is illegal and unconstitutional.

5. The second respondent filed counter affidavit and submitted that the lands selected for acquisition are dry lands. Some of the lands have been sold to Real Estate Promoters and divided into house sites. To promote industrial growth and create employment opportunity, the lands are being acquired. So far, an extent of 120.50.5 hectares for SIPCOT PH-II, 51.93.0 hectares for SIPCOT PH-II Expansion-I and 59.42.5 hectares for SIIPCOT PH-II Expansion-II were acquired by the SIPCOT and allotted to enterprises. Already the lands were acquired in Phase-I and Phase-II to the tune of 470.00.5 hectares and 271.88.0 hectares respectively and were allotted. Therefore, the present acquisition is for the need to promote industrial growth. The petitioners have submitted their objections and representation immediately after issuance of Form-A under Rule 3 of the Tamil Nadu Acquisition of Land (for Industrial Purposes) Rules, 2001 (hereinafter referred to as 'the Rules' for short) and their objections were duly communicated to the acquisition body, viz., the District Collector. On receipt of the same, the acquisition body has contended that since the lands are required for forming a compact Industrial Block, the objections have been turned down and Form-B got approved and published as prescribed in the Act. Thereafter, the award was passed and the compensation was also paid to the petitioners. It is also revealed that the Form-B as required under Section 3(2) of the Act was issued on 20.01.2008, 30.12.2008 and 19.01.2009. On receipt of the same, the petitioners failed to raise objections within 30 days from the date of receipt of the same. However, the petitioners in W.P. No. 19803 of 2012 raised objections on 15.03.2008 and 17.03.2008. The respondents conducted enquiry on 17.03.2008 and 18.02.2009 as required under Section 3(3) of the Act and passed orders rejecting the claim of the petitioners. Then the notifications under Section 3(1) of the Act was got approved and published in Tamil Nadu Government Gazette No.1028 dated 02.02.2012, Tamil Nadu Government Gazette No. 170 dated



09.06.2010 and Tamil Nadu Government Gazette No. 218 dated 23.0.2010. Therefore, the entire acquisition proceedings have been completed as per the law and rules.

6. The learned counsel for the petitioners would submit that the petitioners were served with Form-A as contemplated under Rule 3 of the Rules and Section 3(2) of the Act. On receipt of the same, immediately within a period of 30 days, the petitioners in W.P. No. 19803 of 2012 raised written objections dated 15.06.2007 and the petitioner in W.P. No. 15099 of 2013 made a representation dated 16.02.2009. Thereafter, the petitioners were served with Form-B as required under Section 3 (2) of the Act and Rule 4 of the Rules. The petitioners in W.P. No. 19803 of 2012 raised objections by the legal notice dated 15.03.2008. However, the objections were not forwarded to the acquisition body and no remarks were called for from the acquisition body. On receipt of the same, there was no enquiry on 17.03.2008 and no order was passed as required under Section 3(3) of the Act. Straightaway they issued notifications under Section 3(1) of the Act. He further stated that the petitioners are still in possession and enjoyment of the respective lands and they are residing there. Even according to the respondents, after handing over the lands to the enterprises, more than merely half of the lands are lying vacant and not utilized for the purpose for which the lands were acquired.

7. As stated supra, on a perusal of the counter and records annexed in the typed set, it reveals that the petitioners were duly served Form-A on 23.05.2007, 30.12.2008 and 19.01.2009. On receipt of the same, the petitioners in W.P. No. 19803 of 2012 raised objections on 15.06.2007 and the petitioner in W.P. No. 15099 of 2013 made a representation dated 16.02.2009. On receipt of the objections, the same were forwarded to the acquisition body on receipt of the remarks from the acquisition body, the petitioners were served with Form-B as contemplated under Section 3(2) of the Act and Rule 4 of the Rules. However, on receipt of the same, the petitioners failed to reply within a period of 30 days as contemplated under Form-B. It is relevant to extract Form-B, which reads as follows:-

"FORM-B

(See rule4)

PUBLIC NOTICE UNDER SUB-SECTION (2) OF SECTION 3 OF
THE TAMILNADU ACQUISITION OF LAND FOR INDUSTRIAL
PURPOSES ACT, 1997
(TAMILNADU ACT 100 OF 1999)

Under sub-section(2) of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu 100 of 1999), notice is hereby given



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that the lands specified in the schedule in the village of 105 Mornapalli in the taluk of Hosur in the district of Krishnagiri are required for industrial purposes, to wit, for Hosur SIPCOT INDUSTRIAL COMPLEX PHASES II (ADDITIONAL II). All persons interested in the lands, are accordingly required to lodge before the SPECIAL TAHSILDAR (L.A) SIPCOT PROJECT OFFICE COMPLEX, RAJAJI NAGAR, HOSUR-635 126 within thirty days from the date of publication of this notice, a statement in writing of their objections, if any to the acquisition of the said lands.

Any objection which is received after the date or which does not clearly explain the nature of the sender's interest in the land is liable to be summarily rejected.

Objection received within the due date, if any will be enquired into on 17.03.2008 at Office of the SPECIAL TAHSILDAR (L.A) SIPCOT PROJECT OFFICE COMPLEX, RAJAJI NAGAR, HOSUR-635 126 when the objectors will be at liberty to appear in person or by a person or persons authorized by him or them in this behalf or by a pleader and to adduce any oral or documentary evidence in support of their objections."

8. If the petitioners failed to submit their written objections or if any objection is received after the date or if the objections does not clearly explain the nature of the interest in the lands, the same is liable to be summarily rejected. Since the respondents received the objections dated 15.03.2008 from the petitioners in W.P. No. 19803 of 2012 after a period of 30 days from the date of issuance of Form-B, i.e. 20.01.2008, they proceeded to conduct enquiry on 17.03.2008. Thereafter, they passed order on 24.03.2008 by the proceedings in Roc.No.556/01. The proceedings was sent for service on all the private individuals through the Village Administrative Officer, Mornapalli. All the individuals refused to receive the same and it was served by affixing the order on the doors of their residence by the Village Administrative Officer, Mornapalli. Further, the respondents have conducted enquiry on 18.02.2009 and 24.06.2009 in respect of acquisition of the property of the petitioner in W.P. No. 15099 of 2013. Thereafter, the notifications under Section 3(1) of the Act was got approved and published in the Tamil Nadu Government Gazette No.1028 dated 02.02.2012, Tamil Nadu Government Gazette No. 170 dated 09.06.2010 and Tamil Nadu Government Gazette No. 218 dated 23.0.2010. Therefore, the grounds raised by the learned counsel for the petitioners are rightly countenanced by the learned counsel for the respondents and this Court finds no grounds to



quash the acquisition proceedings as illegal. Therefore, these Writ Petitions are devoid of merits and it is liable to be dismissed.

9. In the result, these Writ Petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The Government of Tamil Nadu,
Industrial Department,
Fort St.George, Madras - 600 009.
2. The Special Tahsildar,
SIPCOT,Hosur.
3. The District Collector,Krishnagiri,
4. The District Collector,Tiruvannamalai.
5. The Special Tahsildar (Land Acquisition),
SIPCOT Expansion, Unit-5,Cheyyar.
6. The Chairman and Managing Director,
State Industries Promotion Corporation of
Tamil Nadu Ltd., (SIPCOT),
No.19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.44088
+1cc to the Government Pleader, S.R.No.44283
+1cc to Mrs.Sudarshana Sundar, Advocate, S.R.No.44393

W.P.No.19803 of 2012 and
W.P.No.15099 of 2013

PM(CO)
PM/12/10/2021