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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2021

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.14604 OF 2016

M.Cheperumal

... Petitioner

Vs.

1. The District Collector
Perambalur District.
2. The District Revenue Officer,
Perambalur Collector Office,
Perambalur District.
3. The Tahsildar,
Tahsildar Office,
Vepanthatai Taluk,
Perambalur District.
4. The Sub-Registrar,
Sub Registrar Office,
Valikandapuram,
Perambalur District.
5. M/s.GVK Perambalur SEZ Pvt. Ltd.,
Rep. by its Director Srinivasalu Reddy,
No.R-777, New Rajendran Nagar,
New Delhi - 110 060.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus to consider the petitioner's representation dated 6.2.2016 and remove the petitioner's property, Survey No.66/2A and 2B Patta No.993, Eraiyur Village from the Government Gazette notification No.194, dated 1.7.2010.

For Petitioner : Ms.T.Gnanabanu

For Respondents 1 to 4 : Mr.Richardson Wilson
Counsel for Government

For 5th Respondent : Mr.E.C.Ramesh



ORDER

The prayer sought for herein is for a writ of mandamus to consider the petitioner's representation dated 06.02.2016 and remove the petitioner's property, Survey No.66/2A and 2B Patta No.993, Eraiyur Village from the Government Gazette Notification No.194, dated 01.07.2010.

2. The case of the petitioner is that, the petitioner is having land at Survey No.66/2A, 2B to the extent of 97.50 ares at Eraiyur Village, Veppanthatai Taluk, Perambalur District.

3. In that area, it seems that, the Government had a proposal to have a Special Economic Zone, for which, sometime in the year 2007-2008, the Government intended to acquire nearly about 3500 acres at various villages like Ayanperaiyur, Thirumanthulai, Pennakanam, Eraiyur.

4. In this context, it is the further case of the petitioner that, though such a Economic Zone Proposal was mooted by the Government, for the past more than 12 years, nothing has been moved in this direction and no Special Economic Zone has come into effect. Therefore, the petitioner's land, which is one among the lands, had been brought under the proposed acquisition, has been clutched over, with the result the petitioner is not able to encumber the property, even though the petitioner is the absolute owner of the property.

5. In this context, the grievance of the petitioner is that, whenever the petitioner wants to encumber the property and if any document is presented before the concerned Registrar Office, a direction can be given by the first respondent to the Registrar Office concerned to register those documents as the said Special Economic Zone Project has not come in. Therefore, in order to get such a direction from the first respondent, the petitioner has given a representation on 06.02.2016 and the said representation also has not been considered and no orders have been passed, hence the present writ petition has been filed.

6. Reiterating the aforesaid facts, Ms.T.Gnanabanu, learned counsel appearing for the petitioner seeks indulgence of this Court to issue a suitable direction by way of mandamus to the first respondent District Collector to consider such representation of the petitioner dated 06.02.2016 and pass orders thereon on merits and in accordance with law within a time frame that may be stipulated by this Court.

7. I have heard Mr.Richardson Wilson, learned Government Counsel appearing for respondents 1 to 4, who, would submit that, what is the policy of the Government with regard to the



said Special Economic Zone is concerned, it is a larger issue that would be decided by the Government. In that backdrop, what best solution can be given on the plea raised by the petitioner through his representation dated 06.02.2016, would be decided by the first respondent and accordingly, the said representation given by the petitioner to the first respondent would be considered and orders thereon would be passed on merits within a time frame.

8. Heard Mr.E.C.Ramesh, learned counsel appearing for the 5th respondent, who, would submit that, the 5th respondent is representing the Economic Zone Proposal. Though this proposal was mooted sometime in 2007-2008, because of the change in Government or successive change in Government, the policy decision had been changed on the Special Economic Zone Project and it is yet to be started or it has not been given full support to come in. Therefore, insofar as the land of the petitioner or similarly placed persons' lands are concerned, which are required for the Special Economic Zone Proposal, no further precipitative action can be made to relieve the clutches of those lands. Therefore, in this context, the plea raised by the petitioner is opposing to the Scheme and therefore, if any orders are passed by the first respondent District Collector on the representation of the petitioner, the views of the 5th respondent also can be heard and accordingly, a decision can be made.

9. I have heard the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

10. In view of the limited prayer sought for by the petitioner, where, he seeks for a writ of mandamus to give a direction to the first respondent to consider the representation of the petitioner dated 06.02.2016 and decide the same on merits within a time frame and in view of the submission made by the learned Government Counsel appearing for the respondents 1 to 4 that, such representation of the petitioner would be considered by the first respondent on merits by taking into account the aforesaid factual matrix, this Court is inclined to dispose of this writ petition with the following orders.

That there shall be a direction to the first respondent to consider the representation of the petitioner dated 06.02.2016 and pass orders thereon on merits and in accordance with law, of course after hearing the petitioner as well as the 5th respondent, within a period of three months from the date of receipt of a copy of this order.



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11. With this direction, the Writ Petition is disposed of.
However, there shall be no order to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The District Collector
Perambalur District.
2. The District Revenue Officer,
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3. The Tahsildar,
Tahsildar Office,
Vepanthatai Taluk,
Perambalur District.
4. The Sub-Registrar,
Sub Registrar Office,
Valikandapuram,
Perambalur District.

+1cc to Ms.T.Gnanabanu, Advocate, S.R.No.30523
+1cc to the Government Pleader, S.R.No.30850

W.P.NO.14604 OF 2016

GPL(CO)
PBS/27/07/2021