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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23408 of 2012

and

M.P.Nos.2 of 2012 and 1 of 2013

1. A.M.Arogiasamy (Deceased)
 2. Agnes
 3. A.Vincent Paul Arokiaraj
 4. A.Noel Joseph
 5. Immaculate Vijay
 6. A.Antony Irudayaraj
- [P2 to P6 substituted as LR's of deceased petitioner
vide order dated 22.09.2021 made in WMP.8508/2020
in W.P.No.23408/2012) ...Petitioners

Vs

1. State of Tamil Nadu represented by its
Principal Secretary to Government,
Industries Department, Fort St. George,
Secretariat, Chennai-600 009.
2. The District Collector,
Kachipuram Collectorate,
Kanchipuram.
3. Special Tahsildar (Land Acquisition) Unit-2,
SIPCOT, Sriperumbudur Expansion,
Scheme-2, Sriperumbudur. ...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in G.O.Ms.128 Industries (SIPCOT-LA) dated 20.06.2012 on the file of the 1st respondent and consequential notice in R.C.No.6 of 2010 dated 14.07.2012 in form No.E on the file of the 2nd and 3rd respondents and quash the entire proceedings and consequentially forbear the respondents from acquiring the land of an extent of 0.28.0 Hectares in Survey No.57/11 mentioned it as 57/11B situated in 121, Vadagal 'A' Palnallur Village of the petitioner, Sriperumbudur Taluk, Kanchipuram District.



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For Petitioners : Mr.V.M.Venkatramana
For Respondents : Mr.C.Kathiravan,
Special Government Pleader
for R1 & R2
M/s.Sudharshana Sunder for R3

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus to call for the records in G.O.Ms.No.128, Industries (SIPCOT-LA) Department, dated 20.06.2012 on the file of the 1st respondent and consequential notice in R.C.No.6 of 2010 dated 14.07.2012 in Form E on the file of the 2nd and 3rd respondents and to quash the entire proceedings and consequentially forbear the respondents from acquiring the land of an extent of 0.28.0 Hectares in Survey No.57/11 and mentioned it as S.No.57/11B, situated in No.121, Vadagal 'A' Palnallur Village of the first petitioner, Sriperumbudur Taluk, Kanchipuram District.

2. The first petitioner had died and his legal heirs have been brought on record as the second to sixth petitioners herein. The property comprised in S.No.57/11, ad-measuring an extent of 84 cents, situated at Palnallur, a hamlet of 'A' Vadagal Revenue Village, Sriperumpudur Taluk, Kanchipuram District was purchased by the first petitioner by way of registered sale deed dated 01.07.1977. While that being so, the Government of Tamil Nadu accorded sanction for the acquisition of lands of an extent of 720.71.5 hectares i.e, 642.04.0 hectares of dry lands and 78.67.5 hectares of Poramboke lands under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999) (hereinafter referred to as 'the Act', for short) for the expansion of SIPCOT Industrial Estate. A Form-A notice under Section 3(2) of the Act was approved on 20.04.2010 and sent to the interested person by Registered Post on 20.05.2010. The Notification under Section 3(2) of the Act was published in the dailies on 23.05.2010. It was notified in the Notification that the enquiry on objection petitions received, will be conducted by the second respondent on 09.07.2010. 90 objections were received including that of the first petitioner, at the time of enquiry. All the objections were referred to the requisitioning body and their remarks were obtained. The second respondent, after careful examination, recommended for rejection of all the objections received in this context. Though the first petitioner has specifically objected that there is a terraced house with compound wall and fencing with coconut and Teakwood trees, it was further objected that he has no other site except that one and requested to treat this land as "Natham house site" and drop



the acquisition proceedings. Even then, the first petitioner was not called for enquiry. Without enquiry being conducted as contemplated under Rule 6 (c) of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001 (hereinafter referred to as 'the Rules', for short) and as contemplated under Section 3(2) of the Act, the authorities have not complied with the provisions contained in Rules 6 (b) (c) and 7 of the Rules and no publication in the Gazette as prescribed in Form C of the Rules, was made by the respondents. Therefore, the notification issued under Section 3(1) of the Act is void.

3. From the counter affidavit filed by the second respondent, it reveals that, on receipt of the objections from the first petitioner, the said objections were referred to the requisitioning body. After receipt of the remarks from the requisitioning body, the second respondent recommended for rejection of all the objections. Therefore, admittedly, no enquiry was conducted and no opportunity of hearing was given to the first petitioner before recommendation by the second respondent. On this sole ground alone, the impugned G.O.Ms.No.128, Industries (SIPCOT-LA) Department, dated 20.06.2012 on the file of the first respondent and consequential notice in RC.No.6 of 2010, dated 14.07.2012 in Form No.E on the file of the second and third respondents, are liable to be quashed.

4. In view of the above facts and circumstances of the case, the impugned proceedings are quashed. However, the respondents are at liberty to proceed with the acquisition proceedings from the stage of enquiry as contemplated under Section 6(c) of the Rules.

5. In the result, this Writ Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
State of Tamil Nadu,
Industries Department, Fort St. George,
Secretariat, Chennai-600 009.



2. The District Collector,
Kachipuram Collectorate,
Kanchipuram.

3. Special Tahsildar (Land Acquisition) Unit-2,
SIPCOT, Sriperumbudur Expansion,
Scheme-2, Sriperumbudur.

+1cc to Mr.N.S.Nandakumar, Advocate, S.R.No.69637

+1cc to Mr.Sudharshana Sunder, Advocate, S.R.No.69676

W.P.No.23408 of 2012

SR(CO)
RGA(11/01/2022)