



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 08.12.2021

Orders Pronounced on : 16.12.2021

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

W.P.No.11035 of 2018

and

W.M.P.Nos.12941 and 12942 of 2018

and

W.M.P.Nos.24506, 25601, 25604, 25605 and 26554 of 2021

M/s.Rainbow Stones Private Ltd.,
Rep. by its Director Mr.Chapala Sagar Reddy,
Nalaganakothapalli (V), Hosur Taluk,
Krishnagiri - 635 117.

... Petitioner

Vs.

1. The District Collector,
Krishnagiri.
2. The Special Tahsildar (LA),
Phase-IV, Unit-I (Nallaganakothappalli),
SIPCOT, Shoolagiri Taluk,
Krishnagiri District.
3. The Managing Director,
SIPCOT, Egmore,
Chennai - 600 008.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent's order made in Na.Ka.No.11888/2016/B2 dated 12.05.2017, to quash the same and consequently direct the respondents to drop the initiation of the proceedings pursuant to first respondent's order made in ROC.No.29894/2016-B2 dated 24.11.2016.

For Petitioner : Mr.A.R.L.Sundaresan
Senior Advocate
for Mr.R.Bharath Kumar

For R1 and R2 : Mr.G.Krishna Raja
Additional Government Pleader

For R3 : Mrs.Sudharshana Sundar



O R D E R

This writ petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent's order made in Na.Ka.No.11888/2016/B2 dated 12.05.2017, to quash the same and consequently direct the respondents to drop the initiation of the proceedings pursuant to first respondent's order made in ROC.No.29894/2016-B2 dated 24.11.2016.

2. The case of the petitioner is that the petitioner owned properties to an extent of 3.53 acres comprised in S.No.296/1A, to an extent of 3.09 acres comprised in S.No.296/2A, to an extent of 0.40 cents comprised in S.No.297/2 and to an extent of 0.01/2 cents comprised in S.No.227/2A in total extent of 7.02 acres situated at Nallaganakothappalli Village, Shoolagiri Taluk, Krishnagiri District. The said property was purchased by the registered Sale Deed dated 19.07.2013 vide Document No.2902/2013. It was purchased for the purpose to start export of granite processing unit. While being so, the third respondent requested the first respondent to acquire land under the Tamil Nadu Acquisition Lands for Industrial Purposes Act, 1997 (hereinafter after referred to as 'the Act' for short). The notification under Section 3(2) of the Act was issued on 24.11.2016 and the petitioner submitted objections on 22.12.2016 and also sought for withdrawal of the land acquisition proceedings in so far as the subject lands are concerned. However, the objections have not been considered and rejected by the order dated 12.05.2017.

3. Initially, the petitioner challenged the said order of rejection dated 12.05.2017 and thereafter, the notification under Section 3(1) of the Act was issued and the award has been passed in the land acquisition proceedings. Therefore, the petitioner filed a petition to implead the Government of Tamil Nadu, to raise additional grounds and also to amend the prayer and to quash the notification issued under Section 3(1) of the Act dated 12.06.2019 and award dated 15.09.2021.

4. The learned Senior Counsel appearing for the petitioner submitted that the petitioner raised objections that already an Industry is established as per the Norms, Rules and Regulations and as such, the development of Industrial activities in view of existence of a similar one by the petitioner and as such, the exemption ought to have been granted from acquisition of the subject lands for the industrial purpose. In order to invoke the provisions of the Industrial Purposes Act, the requirements shall be towards establishment of an industry, when already an industry is in existence the objectives and the purposes would stand nullified though in its entirety at least to the extent



where the petitioner's company is in existence. Without even considering the same and without even applying the mind, the objections raised by the petitioner mechanically rejected in general.

WEB COPY

5. He further submitted that the Act contemplates that the objections of the land owners should be considered independently. Whatever the reasons stated in the counter affidavit, were not contain reasons in the impugned order, while rejecting the objections raised by the petitioner. The respondents failed to comply with the provisions under Sections 3(2) and (3) of the Act and Rule 6(b) of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001. After receipt of the objections, the respondents failed to conduct any enquiry and as such, the right of the land is violated as contemplated under Section 3 (2)and (3) of the Act. The respondents also failed to follow the procedure as contemplated under the Rule 6(b) of the Rules, while rejecting the objections raised by the petitioner. The objections raised by the petitioner have not been forwarded to the requisition body and their views have not been obtained and without giving opportunity of hearing to the petitioner, rejected the objections. Further, notice issued under Section 4(2) of the Act is not in consonance with Form-E. While pending the writ petition, without even waiting for a verdict from this Court, the respondent issued 3(1) notification and subsequently, passed an award.

6. On perusal of the counter affidavit filed by the second respondent, revealed that the Government of Tamil Nadu by G.O.Ms.No.78, Industries (MIG-2) Department, accorded permission to acquire an extent of 772.54.0 hectares of land in Doripalli, Maruthandapalli, Addakuruki, Nallaganakothapalli Villages, Shoolagiri Taluk, Krishnagiri District for the establishment and extension of Hosur SIPCOT Phase-IV and an extent of 2.81.0 hectare of lands comprised in S.No.227/2A etc., belong to the petitioner has also been proposed for acquisition. Form - B notice was also served to the petitioner to file objections, if any and to attend the enquiry to be held on 04.01.2016. The petitioner had attended the enquiry and raised general objections that the acquisition of his lands without any specific reasons. After completion of enquiry, the first respondent found that there is no valid grounds and reasons to consider the objections raised by the petitioner and the first respondent by the proceedings in Na.Ka.No.11888/2016/B2, dated 12.05.2017 has overruled the objections.

7. Initially, the writ petitioner challenge the rejection of objections and while pending the writ petition, the notification under Section 3(1) of the Act was issued and



subsequently, award has been passed. Therefore, the petitioner filed a petition to amend the prayer and also seek permission to raise additional grounds. The petitioner has set up a Granite Processing Unit in the subject lands, but the Granite Processing Unit is not functioning in the acquired portion of the lands comprised in S.Nos.282/2B1, 282/2B2 and 282/3B of Nallaganakothapalli Village. The Pollution Control Board has not issued any 'No Objection Certificate' for acquired portion of lands and the petitioner applied for the land comprised in S.No.296/1A etc. The acquired lands are kept waste and there are no granite processing units in the said lands. In fact, during the acquisition of said lands, the granite processing unit run by the petitioner will not be affected. The first respondent issued notification under Section 3(2) of the Act on 24.11.2016 and on receipt of the same, the petitioner raised objections on 22.12.2016 with request to drop the land acquisition proceedings for the reason that the subject lands are being utilised by the petitioner for a industrial purpose.

8. After considering the objections, the first respondent passed order on 12.05.2017 and thereafter, a notification under Section 3(1) of the Act was issued. In pursuant to the same, the award has been passed and the entire award amount has been deposited. If the subject lands are left out there will be great inconvenience and obstruction to the SIPCOT Industrial Complex and there will not be any hardship to the petitioner. An extent of 1611.37 acres of private patta lands and 296.82 acres of Government poramboke lands have been proposed to acquire for the establishment of SIPCOT Industrial Park in Nallaganakothapalli Village and 3 other adjacent villages in Shoolagiri Taluk. The said lands were already acquired under Private Negotiation and compensation amount of Rs.223 Crores have been released. Out of the said amount, a sum of Rs.187 Crores were already disbursed to the land owners concerned and undisbursed remaining amount is pending to the title disputes.

9. On perusal of the objections raised by the petitioner, revealed that after purchasing of the subject property to an extent of 11.53 ^{1/2} acres, the petitioner started Export Granite Processing Unit under the name and style of "Rainbow Stones Private Limited". The petitioner had obtained permissions and licenses as required from the authorities concerned and also obtained conversion of lands from agriculture to Industrial Zone to an extent of 7.02 ^{1/2} acres. The petitioner is nearing the installed capacity in their granite processing unit and soon they will have to go for an expansion. The petitioner is utilising the remaining lands to an extent of 3.33 acres comprised in S.No.282/2B and sub division in S.No.282/2B2 and to an extent of 1.98 cents comprised in S.No.282/3B in total extent of 4.51 acres for industrial purpose. While being so, the first



respondent issued notice to the petitioner to appear for enquiry to be held on 04.01.2017 and to raise their objections with regard to acquisition of lands comprised in S.Nos.282/2B2 and 282/3B.

WEB COPY

10. According to the petitioner, they are already utilising the said lands for industrial purpose and the plans are underway to obtain conversion of land and use the same for industrial purpose to build additional infrastructure. Therefore, requested the first respondent to stop the land acquisition proceedings in respect of the said lands and prayed to release the subject lands from acquisition. The said objections raised by the petitioner are duly considered by the respondents as per law and as per existing Government Rules. The establishment of the SIPCOT Industrial Park is a welfare scheme of the Government and an meager extent of the subject lands are essentially required for the scheme.

11. In fact, the petitioner's land are not being used for agriculture and the lands are used for profit oriented purpose. That apart, due to acquisition of meagre extent of the petitioner's lands, there is no considerable laws to the petitioner and the petitioner no way affected due to acquisition of their lands. That apart, the petitioner has proposed to establish Granite Processing Unit for his personal gain and the extent of proposed acquisition of land is very meager. By acquisition of meager lands of the petitioner, no way it will be affected the granite processing unit of the petitioner. The petitioner has obtained pollution certificate issued the competent authority for the lands bearing Survey Nos.227/2M1, 296/1A1, 296/2A1 and 297/2A, which are not covering the subject lands in the land acquisition process. Therefore, this Court finds no illegality or infirmity in the land acquisition proceedings initiated by the respondents. Hence, this Writ Petition is devoid of merits and it is liable to be dismissed.

12. Accordingly, the writ petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

dm



To

1. The District Collector,
Krishnagiri.
2. The Special Tahsildar (LA),
Phase-IV, Unit-I (Nallaganakothappalli),
SIPCOT, Shoolagiri Taluk,
Krishnagiri District.
3. The Managing Director,
SIPCOT, Egmore,
Chennai - 600 008.

+1cc to M/s.Bharath Kumar, Advocate, S.R.No.67447

+1cc to the Government Pleader, S.R.No.68348

order made in
W.P.No.11035 of 2018

SMI (CO)
SU(04/01/2022)