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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.4911 OF 2013

AND

M.P.NO.2 OF 2013 AND W.M.P.NO.11376 OF 2019

B.Hayath Basha

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep.by the Secretary to the Government,
Land Acquisition,
Fort, St.George, Chennai - 600 009.
2. The District Collector,
Office of the Collectorate,
Kancheepuram.
3. The Special Thasildar (L.A),
SIPCOT Siruseri Scheme,
SIPCOT Project Office,
Irugattukottai, Sriperumpudur Taluk,
Kancheepuram District.
4. The General Manager,
SIPCOT,
No.19, Rukmani Lakshmipathy Salai,
Egmore, Chennai - 600 008.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to G.O.Ms.29 dated 28.01.2004, G.O.Ms.46 dated 27.07.2004 and G.O.Ms.65 dated 07.10.2004 and quash the same and consequently direct the respondents to deliver the properties to the petitioner.

For Petitioner : M/s.Vedvallikumar

For Respondents: Mr.G.Baranidharan
Government Advocate (for R-1 to R-3)
: Mrs.Sudarshana Sunder (for R-4)

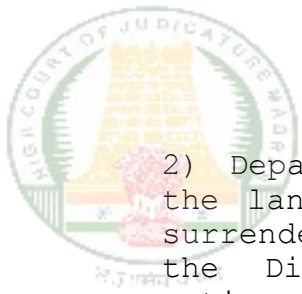


O R D E R

This petition has been filed seeking to quash G.O.Ms.No.29, Industries (MIG.2) Department, dated 28.01.2004, G.O.Ms.No.46, Industries (MIG.2) Department, dated 27.07.2004 and G.O.Ms.No.65, Industries (MIG.2) Department, dated 07.10.2004 and consequently direct the respondents to deliver the properties to the petitioner.

2. The case of the petitioner is that he purchased the property comprised in S.No.234/2D, 3A in plot No.331 situated at Sirucheri Village, Chengalpat Taluk. Only in the year 2009, the petitioner came to understand that the said property was acquired by the respondents for setting up of Information Technology Park by SIPCOT. Thereafter, he obtained information about the said acquisition of property, under the Right to Information Act and immediately, he sent to complaint authorities concerned and requested to re-convey the plot. However, it was considered and replied that there is no provision to re-convey the same. Further, the case of the petitioner is that he was never served with any notice as contemplated under the Tamil Nadu Acquisition of Land for Industrial Purposes, 1997 (hereinafter referred to as 'the Act' for short) and as such, the entire acquisition proceedings are vitiated and liable to be quashed.

3. Counter affidavits have been filed by the respondents from which, it reveals that, by G.O.Ms.115, Industries (MID-II) Department, dated 22.03.2001, the Government have accorded administrative approval for the acquisition of 49.21.0 hectares of dry land under the Urgency Clause 17(1) of the Land Acquisition Act, 1894 for setting up of Information Technology Park by SIPCOT. Form-A as contemplated under Section 3(2) of the Act, was issued to all individual owners on 27.03.2004 by the certificate of posting. Thereafter, Form-B notice as contemplated under Section 3(2) of the Act, was also published and enquiry was fixed on 28.03.2004 and 29.03.2004. On receipt of the objections from the land owners and after careful examination and on enquiry being conducted, their objections were considered. The Government after careful consideration, have finally approved in Form-C under Section 3(1) of the Act in respect of the subject property for G.O.Ms.No.46, Industries (MIG-2) Department, dated 27.07.2004. It was also published in the Tamil Nadu Government Gazette-Ordinary No.193 Part-II, Section-2, dated 28.07.2004. Thereafter, as per Section 4(1) of the Act, the subject land notified above under Section 3(1) of the Act, vested in Government free from all encumbrances from the date of publication of the notice under Section 3(1) of the Act in the Tamil Nadu Gazette. By G.O.Ms.No.65, Industrial (MIG-



2) Department, dated 07.10.2004 approved notice was issued to the land owners under Section 4(2) of the Act to deliver and surrender the possession of the land and it was forwarded it to the District Collector, Kancheepuram for taking necessary action. Accordingly, the District Collector has issued directions to the respective land owners/interested persons to handover the land to the Special Tahsildar (LA), SIPCOT-TACID Division, Sriperumbudur Taluk. Finally, the notice under Section 7(2) of the Act was issued on 12.07.2006 to the petitioners to their last known address and called upon them for award enquiry. The public notice was also affixed in conspicuous public places within the locality and the same was also intimated by beat of tom-tom in the Village. On completion of award enquiry, the award was passed on 27.07.2006 in Award No.1 of 2006. Thereafter, the patta has also been transferred in the name of the fourth respondent in Patta Nos.145 and 150. Thereafter, the notices under Section 10(2) of the Act had also been sent on 04.08.2006, 05.08.2006 & 06.08.2006. Further, post card reminders were also sent to the awardees on 12.07.2007, 16.07.2007, 23.07.2007, 01.08.2007, 04.10.2007, 05.10.2007 & 08.10.2007 to call upon them to receive the compensation amount awarded for their respective lands.

4. Insofar as the petitioners are concerned, the notices under Section 10(2) of the Act were sent to the address mentioned in their sale deed viz., No.5, Sardar Junk Tank Road, 2nd Lane, Royapettai, Chennai-14. The said address was mentioned in the Revenue Records as mutated by the petitioner. However, the learned counsel for the petitioner submitted that though they mentioned in the address in the sale deed as No.5, Sardar Junk Tank Road, 2nd Lane, Royapettai, Chennai-14, subsequently, the petitioner shifted his residence and as such, admittedly no notice was received by the petitioner.

5. As stated supra, the records revealed that simultaneously, those notices were also affixed in the locality and there was also beat by tom-tom. That apart, even according to the petitioner, he came to understand about the acquisition proceedings even on 17.03.2009 and immediately, he lodged a complaint before the authorities concerned and also sent communication to re-convey the land. It was rightly rejected that there are no provisions or Rules for re-conveying the land or allotting alternative land to the displaced persons. The subject land in this Writ Petition, ad-measures 2400 sq.ft and the land owners including the petitioner were duly sent notice as contemplated under the Act. Therefore, this Court finds no ground to quash the acquisition proceedings. This Writ Petition is devoid of merits.



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

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

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Egmore, Chennai - 600 008.

+2ccs to Mr.Vedvallikumar, Advocate, S.R.No.46005
+1cc to the Government Pleader, S.R.No.46617

W.P.No.4911 of 2013

PCH(CO)
PM/12/10/2021