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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.12334 & 12673 OF 2021

W.P.NO.12334 OF 2021

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... Petitioner

.Vs.

1. The Principal Secretary,
Industrial Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram,
Kancheepuram District.
3. The Special Tahsildar(LA),
Unit I, SIPCOT Oragadam,
Expansion, Scheme-II,
Sriperumbudur Taluk,
Kancheepuram District.
4. The Managing Director,
SIPCOT Oragadam,
Expansion Scheme - II,
Sriperumbudur Taluk,
Kancheepuram District.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to consider the petitioner's representation dated 01.03.2021 and consequently issue NOC for the petitioner's properties by the respondents 2 and 3 herein.

For Petitioner : Mr.T.Dilip Chander



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For Respondents

For R1 to 3 : Mr.M.Muthusamy
Government Advocate

For R4 : Mr.M.Karthikeyan

W.P.NO.12673 OF 2021

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For Petitioner : Mr.T.Dilip Chander

For Respondents

For R1 to 3 : Mr.M.Muthusamy
Government Advocate

For R4 : Mr.M.Karthikeyan



COMMON ORDER

The writ petitions are filed to issue a Writ of Mandamus directing the respondents herein to consider the petitioners' representations dated 01.03.2021 and consequently to issue NOC for the petitioners' properties by the respondents 2 and 3 herein.

2. Heard, Mr.T.Dilip Chander, the learned counsel for the petitioners, Mr.M.Muthusamy, Government Advocate appearing for the respondents 1 to 3, and Mr.M.Karthikeyan, the learned counsel for the fourth respondent.

3. The Government in their GO.(Ms)No.2 Industries (SIPCOT-LA) Department dated 06.01.2009 have accorded the administrative sanction for the acquisition of 173.25.5 hectares of patta dry lands and alienation of 76.26.0 hectares of poramboke lands in Vaipur, Peinjambakkam and Mathur villages of Sriperumbudur Taluk for the expansion of SIPCOT, Oragadam Industrial Growth Centre (Extension-II). Accordingly an extent of 11.60.0 hectares of dry lands in unit-I, Block-V comprising survey Nos.222, 227, 228, 229, 230, 249 and 250 of Vaipur A & B, Eraiyur Village were notified for the acquisition under Section 3 (2) of the Tamilnadu Acquisition of Lands for Industrial Purposes Act, 1997 (The Tamilnadu Act Act 10 of 1999) (herein after called as 'the Act') by the respondents. The petitioners' lands were among the lands notified for acquisition. The notification in Form 'B' under Section 3(2) of the Act was approved by the second respondent on 02.03.2010 and was published in two dailies at Chennai Edition. The same was published in the locality on 09.03.2010. Enquiry under Section 3(2) of the Act was held on 07.05.2010. The Government approved the notification in GO.Ms.No.71 Industries (SIPCOT-LA) Department dated 13.06.2014 and notice under Section 4(2) Form E was approved by the Collector.

4. The counter filed by the second respondent revealed that the entire land has been acquired under the Tamilnadu Acquisition of Lands for Industrial Purposes Act, 1997 and the possession of the subject property was also handed over to the requisition body i.e. SIPCOT. Therefore, the prayer sought for in the petitions cannot be granted and the writ petitions are liable to be dismissed.

5. Accordingly, both the writ petitions are dismissed. However, the petitioners are at liberty to challenge the



acquisition proceedings in the manner known to law. No order as to costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
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Fort St. George,
Chennai - 600 009.
2. The District Collector,
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Kancheepuram District.
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+1cc to the Government Pleader, S.R.Nos.64822 & 64833

W.P.NOS.12334 & 12673 OF 2021

KSM(CO)
PBS/21/12/2021