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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.Nos.870 and 893 of 2018
and C.M.P.Nos.7699 and 7768 of 2018

1. The Special Tahsildar (L.A)
SIPCOT, TACID Division,
Oragadam Scheme,
Irungattukottai.
2. The Secretary to Government,
Industries Department,
Fort St.George, Chennai - 9.

.. Appellant
in both Writ Appeals

Vs

G.Sandhya Reddy

.. Respondent
in W.A.No.870 of 2018

R.Lakshminarayanan

.. Respondent
in W.A.No.893 of 2018

Appeals filed under Clause 15 of Letters Patent against the order (i) dated 02.11.2004 made in W.P.No.28202 of 2004 and (ii) dated 18.08.2004 made in W.P.No.23574 of 2004.

Prayer in W.P.No.28202 of 2004 :

Writ Petition filed under Article 226 of the Constitution of India Praying this Court to issue a writ of Certiorarified Mandamus, calling for the records comprised in the impugned notice passed by the first respondent Dated nil and quash the same.

Prayer in W.P.No.23574 of 2004 :

Writ Petition filed under Article 226 of the Constitution of India Praying this Court to issue a writ of Certiorarified calling for the records comprised in the impugned notice passed by the first respondent Dated 29/04/2004 and quash the same.



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For Appellants
(in both W.As)

: Ms.Sudharsana Sundar for R1
Mr.S.John J.Raja Singh for R2

For Respondent
(in both W.As)

: Ms.Shobana Ramasubramanian

COMMON JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

These appeals have been preferred against the orders of the learned Single Judge, who while allowing the writ petitions, recorded the submission made by the counsel appearing for both the parties, inter alia, holding as follows:

(i) W.P.No.23574 of 2004 dated 18.08.2004:

2.The notice issued under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1999 is challenged before this Court on the ground that petitioner being the owner of the land, which is sought to be acquired, has not been given individual notice and the notice challenged in this writ petition is a general notice to all persons interested.

3.A reading of Sub Section 2 of Section 3 of the said Act clearly shows that notice should be served on the owner of the property to the acquired and any other person who may be interested in the land shall also be called upon to explain by issuing a show cause notice. Therefore, the submission made by the learned counsel for the petitioner is right. Accordingly, the impugned order is quashed reserving the liberty of the acquiring authority to issue notice to the individual owners concerned or any person interested about the proposed acquisition and asking for their explanation. The writ petition is ordered accordingly. Consequently, connected miscellaneous petition is closed.

(ii) W.P.No.28202 of 2004 dated 02.11.2004:

2. Learned counsel appearing for the petitioner as well as the Government Advocate submits that this writ petition is covered by the decision of this Court dated 28.09.2004 in W.P.No.27578 of 2004 and a similar order may be passed in this writ petition also.

3. Following the order passed in W.P.No.27578 of 2004, the impugned order is quashed reserving the



liberty of the acquiring authority to issue notice to the individual owners concerned or any person interested about the proposed acquisition and asking for their explanation.

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2. Learned counsel appearing for the appellants submitted that these appeals will have to be decided on their own merits and there is no consent as recorded by the learned Single Judge.

3. Learned counsel appearing for the respondent submitted that nothing survives for consideration in these appeals in view of the subsequent development, particularly, the writ petition filed by the purchaser has been allowed.

4. We do not want to go into the merits of the case. As a Court of record, if there is a wrong recording, the only remedy open to the party is to seek review.

5. Be that as it may. The learned Single Judge allowed the writ petitions based upon the earlier orders passed without making any discussion notwithstanding the dispute raised at least before us that the connected writ petition does not have any rationale or applicable to the case on hand.

6. In such view of the matter, the orders of the learned Single Judge stand set aside and as a consequence, the writ petitions stand restored. Registry is directed to post the writ petitions before the learned Single Judge having the Roster. We request the learned Single Judge to take up the matter and dispose of the same, considering the long pendency.

7. The writ appeals stand allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mmi/ssm



To

1. The Special Tahsildar (L.A)
SIPCOT, TACID Division,
Oragadam Scheme,
Irungattukottai.

2. The Secretary to Government,
Industries Department,
Fort St.George, Chennai - 9.

3. The Section Officer,
Writ Section,
High Court, Madras.

W.A.Nos.870 and 893 of 2018

PPA (CO)
HS (26/07/2021)