



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.06.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10595 of 2021

and

W.M.P. (MD)No.8253 of 2021

WEB COPY

A.Palanichamy

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. By its Revenue Secretary,
Secretariat,
Chennai - 9.
- 2.The Secretary,
Small Industries (SIC) Department,
Secretariat,
Chennai - 9.
- 3.The Secretary,
Labour and Industrial Department,
Secretariat,
Chennai - 9.
- 4.The Chairman,
Small Industrial Development Corporation (SIDCO),
Guindy, Chennai.
- 5.The Regional Deputy Director,
Town and Country Planning,
Regional Office,
Sivagangai.
- 6.The Revenue Divisional Officer,
(Land Acquisition Officer),
Revenue Divisional Office,
Sivagangai,
Sivagangai District.
- 7.S.Masilamani
- 8.M/s.V.M.Hallow Blocks,
Sivagangai Town,
Sivagangai.
- 9.M/s.Rajeswari Engineering Industry,
Sivagangai Town,
Sivagangai.



10.Sivaganga District Small Scale Industries,
Association Rep. By its President,
K.R.Rajamanickam,
Sivagangai Town,
Sivagangai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 to 4 to allot the property in S.No.276/2 in an extent of 11 acre 7 cents, in Soorakulam Village, Sivagangai Taluk, Sivagangai District to the petitioner on payment of development charge under the land loser category in the light of the Apex Court judgment reported in 2011 (2) SCC page 29- BRIJ MOHAN AND OTHERS VS. HARYANA URBAN DEVELOPMENT AUTHORITY AND ANOTHER.

For Petitioner : Mr.J.John

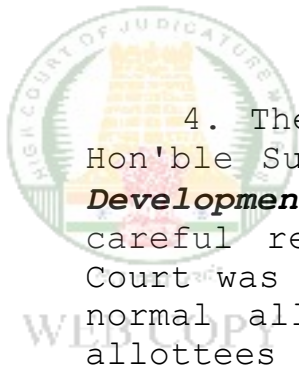
For Respondents : Mr.M.Lingadurai,
Government Advocate for R1 to R6

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to allot the subject matter property in favour of the petitioner on payment of development charges under the landloser category by considering the representation made by the petitioner on 29.05.2021.

2. Heard Mr.J.John, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate, appearing for the respondents 1 to 6.

3. In the considered view of this Court, the petitioner absolutely does not have any legal right to maintain this Writ Petition. The petitioner is virtually attempting to reopen an issue, which was already over, when the Writ Appeal filed by the petitioner was dismissed by the Division Bench of this Court in W.A.(MD)No.1175 of 2016, by order dated 30.08.2016. The petitioner is now trying to resurrect a lost right only on the ground that the property is now being allotted for pittance to the third parties. According to the petitioner, the statement made by the respondents before this Court at the time when the Writ Petition and the Writ Appeal were pending was completely false. If the statement made by the respondents, during the pendency of the Writ Petition and Writ Appeal was false, the petitioner ought to have raised it during the relevant point of time and he cannot come after five years before this Court and raise a plea that the land is being knocked off, by making false statements before this Court.



4. The petitioner is heavily relied upon the judgment of the Hon'ble Supreme Court in ***Brij Mohan and others Vs. Haryana Urban Development Authority and another*** reported in ***(2011) 2 SCC 29***. A careful reading of the judgment shows that the Hon'ble Supreme Court was dealing with a scheme which provided for allotment at a normal allotment rate. Even under that scheme, the landloser allottees will have to pay the normal allotment rates for the plots to be allotted to them under the scheme. In the present case, there is no such scheme and therefore, the judgment relied upon by the learned counsel for the petitioner will not have any application to the facts of the present case. In the considered view of this Court, there is absolutely no merit in this Writ Petition and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Revenue Secretary,
State of Tamil Nadu,
Secretariat,
Chennai - 9.
- 2.The Secretary,
Small Industries (SIC) Department,
Secretariat,
Chennai - 9.



3.The Secretary,
Labour and Industrial Department,
Secretariat,
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4.The Chairman,
Small Industrial Development Corporation (SIDCO),
Guindy,
Chennai.

5.The Regional Deputy Director,
Town and Country Planning,
Regional Office,
Sivagangai.

6.The Revenue Divisional Officer,
(Land Acquisition Officer),
Revenue Divisional Office,
Sivagangai,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-20425[F] dated 28/06/2021)

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and W.M.P. (MD)No.8253 of 2021

25.06.2021

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