



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 23.02.2021

Pronounced on : 22.03.2021

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

**W.P. (MD) Nos.17574 of 2020 and 553 & 1390 of 2021
and**

W.M.P. (MD) Nos. 470, 473, 1187 and 1189 of 2021

W.P. (MD) No.17574 of 2020

R.Suresh Kumar

... Petitioner

-vs-

1. The District Collector,
Karur District,
Karur.

2. The Commissioner,
Karur Municipality,
Karur.

3. The Divisional Manager,
Southern Railways,
Salem Division,
Salem.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus forbearing the respondents 1 and 2 from doing any construction work of drainage, laying road and other allied works in the petitioner's property situated in S.F.No.338 at Lakshmi Narayanapuram Samuthiram Village, Karur, without following due process of law based on the petitioner's representation dated 19.11.2020.

For Petitioner : Mr.Isaac Mohanlal
Senior Counsel
for Mr.A.N.Ramanathan

For Respondent 1 : Mr.M.Sricharan Rangarajan
Additional Advocate General
assisted by Mr.K.P.Krishnadoss
Special Government Pleader

For Respondent 2 : Mr.S.Senthil Kumariah
Standing Counsel

For Respondent 3 : No appearance



W.P. (MD) No.553 of 2021

R.Suresh Kumar

... Petitioner

-vs-

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1. The District Collector,
Karur District,
Karur.
2. The Land Acquisition Officer/
Revenue Divisional Officer,
Karur.
3. The Commissioner,
Karur Municipality,
Karur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari calling for records pertaining to the impugned order passed by the second respondent vide his proceedings in Na.Ka.1674/2020 dated 31.12.2020 and quash the same.

For Petitioner : Mr.Isaac Mohanlal
Senior Counsel
for Mr.A.N.Ramanathan

For Respondents : Mr.M.Sricharan Rangarajan
1 and 2 Additional Advocate General
assisted by Mr.K.P.Krishnadoss
Special Government Pleader

For Respondent 3 : Mr.S.Senthil Kumariah
Standing Counsel

W.P. (MD) No.1390 of 2021

R.Suresh Kumar

... Petitioner

-vs-

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 9.



2. The District Collector,
Karur District,
Karur.

3. The Land Acquisition Officer/
Revenue Divisional Officer,
Karur.

4. The Commissioner,
Karur Municipality,
Karur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari calling for records pertaining to the impugned notification issued by the first respondent vide G.O.(Ms) No.134, 01.12.2020 and published in the Tamil Nadu Government Gazette on the same day i.e., on 01.12.2020 and quash the same as *ultra vires*.

For Petitioner : Mr.Isaac Mohanlal
Senior Counsel
for Mr.A.N.Ramanathan

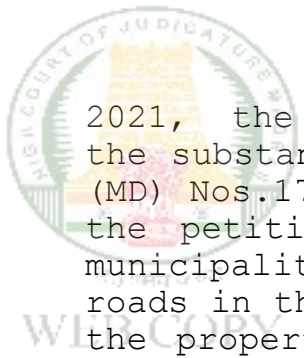
For Respondents : Mr.M.Sricharan Rangarajan
1 to 3 Additional Advocate General
assisted by Mr.K.P.Krishnadoss

For Respondent 4 : Mr.S.Senthil Kumariah
Standing Counsel

COMMON ORDER

The above three Writ Petitions have been filed by the same petitioner being aggrieved by the action of the official respondents in initiating land acquisition proceedings under the provisions of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 in respect of land owned by him in Survey No.338/1A at Lakshmi Narayana Samuthiram Village, Karur Taluk, Karur District to an extent of 32 Cents. The facts relating to all the writ petitions are common and the issue is also one and the same and therefore, all the Writ Petitions are taken up together for common disposal as under.

2.For the sake of understanding of the facts which necessitated the filing of the three Writ Petitions by the petitioner are stated hereunder as per the averments contained in W.P.(MD)No.1390 of



2021, the latest Writ Petition and in the opinion of this Court, is the substantive one than the earlier two Writ Petitions, viz., W.P. (MD) Nos.17574 of 2020 and 553 of 2021. The facts are that in 2017, the petitioner claims to have learnt that the fourth respondent municipality was proposing to construct drainage and also to lay roads in the neighbourhood. For that purpose, the adjacent lands to the property of the petitioner were being cleaned with a view to acquire the same on behalf of the fourth respondent. The petitioner had been given to understand that his land in the aforementioned survey number would also be part of the acquisition proposal.

3. In anticipation that he might be dispossessed of his property without following the due process of law by the Municipality, the petitioner submitted a representation on 20.11.2017 raising objections for any unlawful invasion of his right to property and requested the Municipal Officials not to proceed with any action unjustly and illegally.

4. According to the petitioner, there was no response to his representation made in 2017 and no immediate further action was forthcoming from the fourth respondent. In 2020, according to the petitioner, there was again a move towards acquisition of his property and once again he submitted another representation on 19.11.2020. As there was again no response from the authorities concerned, the petitioner approached this Court in W.P. (MD) No.17574 of 2020 seeking issue of Writ of Mandamus forbearing respondents 2 and 4 herein from doing any construction work of drainage, laying road or other allied works in his property in Survey number mentioned by him in the affidavit. The Writ Petition was heard on 04.12.2020 and interim order was passed in W.M.P. (MD) No.14695 of 2020 restraining the respondents from laying of road, drainage and other construction works pending adjudication of the Writ Petition.

5. While matter stood thus, after notice was received by the respondents in the above said Writ Petition, the third respondent herein issued notice vide his proceedings dated 31.12.2020 purported to be under Section 7(2) and 7(5) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as 'the Act, 1997') calling the petitioner for enquiry which was scheduled to be held on 12.01.2021 for fixation of value of his land for the purpose of calculation of compensation amount payable to the petitioner, on his land being acquired in pursuance of the initiation of the proceedings by third respondent Officer. According to the petitioner, he received the copy of the proceedings on 04.01.2021. The petitioner at that point of time felt that the proceedings dated 31.12.2020 was issued without the authorities having recourse to pre-acquisition proceedings in violation of the provisions of the Act, 1997 and therefore, challenging the proceedings of the second respondent dated 31.12.2020 the petitioner once again approached this Court in W.P. (MD) No.553 of 2021. This



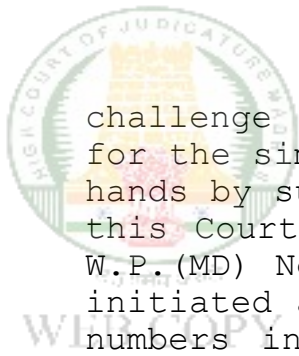
interim order directing the authorities not to dispossess the petitioner of the subject property vide order dated 11.01.2021.

6. According to the petitioner that after interim order was passed on 11.01.2021, on behalf of the third respondent, an application for vacate stay was filed enclosing a typed set of documents in W.P.(MD) No.17574 of 2020 and the petitioner claims to have come across the proceedings of the first respondent as contained in G.O.(MS) No.134, dated 01.12.2020 which was a notification issued under Section 3(1) of the Act, 1997. Challenging the same, the petitioner is before this Court in the present Writ Petition in W.P.(MD) No.1390 of 2021.

7. Mr. Isaac Mohanlal, learned Senior Counsel appearing for the petitioner would submit that the so-called acquisition proceedings initiated by the authorities under Act, 1997 is illegal and unsustainable, as the purpose for which it is sought to be acquired which included the petitioner land does not fall within the industrial area in terms of Section 2(c) of the Act, 1997. According to the learned Senior Counsel, laying of link road from Karur Railway Station to NH-7 does not fulfill the conditions as mentioned in Section 2(d) and 2(e) of the Act, 1997. Therefore, the impugned acquisition proceedings ought to be interfered on these grounds. The learned Senior Counsel would elaborate that the road intended is well within the municipal area and therefore, the proposal cannot be declared for industrial purpose attracting the provisions of the Act, 1997. Further, the learned Senior Counsel would submit that the third respondent herein is not the competent authority under the Act, 1997 to initiate proceedings, as Section 28 defines Officers specifically appointed by the Government to perform functions provided under the Act. According to him, in any case, even assuming that there was any delegation of power, the third respondent, namely, the Revenue Divisional Officer is not competent to initiate action.

8. The learned Senior Counsel would also submit that before issuance of impugned proceedings, Section 3(2) of the Act was not followed as no proper service of notice effected on the owner of the land, namely, the petitioner in terms of Sections 15 and 16 of the Act, 1997. Besides, the learned Senior Counsel would submit that there was no proposal for starting a new industry, expansion of existing industry, development of industrial area or establishment of management of any industrial estate and mere laying of linking road would not qualify to be an industrial activity and hence, the invocation of Act, 1997 itself was misplaced and cannot be sustained. On the above legal objections, the learned Senior Counsel would seek intervention of this Court in the impugned action of the respondents.

9. Per contra, the learned Additional Advocate General appearing for the respondents at the out set would submit that the entire



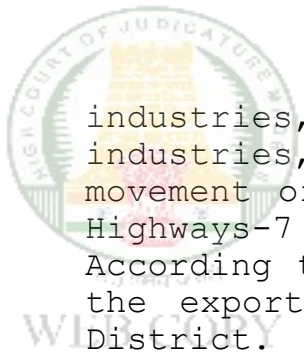
challenge of the Writ Petitioner is liable to be rejected outright for the simple reason that he has approached this Court with unclean hands by suppressing material facts and obtained interim orders from this Court. According to the learned Additional Advocate General, W.P.(MD) No.17574 of 2020 was filed when already the Government had initiated action towards acquisition of the lands in various survey numbers including the petitioner's in Lakshmi Narayana Samuthiram Village for the purpose of Karur Link road under the provisions of the Act, 1997. According to him, as early as on 13.05.2020, the Government issued G.O.Ms.No.52, Municipal Administration and Water Supply Department, sanctioning of permission to take necessary steps for land acquisition for laying of the Karur link road under the Act, 1997. Pursuant to which, the District Collector nominated the third respondent/ Revenue Divisional Officer to initiate the impugned land acquisition proceedings vide his order dated 20.05.2020.

10. Thereafter, on 01.06.2020 Form-A notice was issued under Section 3(2) of the Act, 1997 calling for objection/show-cause in relation to the acquisition within 30 days. The notice was served on the petitioner in respect of his Survey No.338/1A on 04.06.2020 in accordance with Section 14 of the Act and proof of acknowledgment of receipt of the notice is also part of the original records. On the same day, Form-B notice was also published in two newspapers, one in English and another in vernacular i.e., New Indian Express and Thinathanthi in accordance with Section 15 of the Act, 1997. Only thereafter, on 01.12.2020 acquisition of lands were officially approved by G.O.Ms.No.134, Municipal Administration and Water Supply Department and notifications to that effect was issued under Section 3(1) of the Act, 1997 followed by notice under Section 7(2) and 7(5) of the Act, 1997, dated 31.12.2020.

11. The learned Additional Advocate General would therefore submit that the learned Senior Counsel's contentions are without any legal or factual basis and the same are completely unfounded. In this regard, the learned Additional Advocate General would draw the attention of this Court to the provisions of the Act, 1997. He would refer to the definition of the 'industrial purpose' as defined under Section 2(e) which reads as under:

"2.(e) "Industrial purpose" includes the starting of a new industry, expansion of an existing industry, the development of an industrial area and establishment and management of an industrial estate;"

12. He would submit that the above definition is an inclusive definition that laying of 40 ft. width Karur link road connecting the Railway Station to the industrial area would also qualify under the definition "industrial purpose". A counter affidavit on behalf of the respondents has been filed, namely, the 40 ft. width link road was being laid with the aim to improve the infrastructure for the industrial development of textile processing



industries, bus body building industries and mosquito net knitting industries, etc., and to improve the material transportation and movement of labourers from Karur Railway Station to Salem National Highways-7 via central business districts and vice versa. According to him, the need for the link road has been long felt by the exporters, industrialists and the entrepreneurs of the Karur District.

13. According to him, as early as in 2018, the Government appreciated the need of the industrialist, exporters etc., for the purpose of promotion of the industrial development in the area and accorded financial sanction for a sum of Rs.21.12 Crores by G.O.Ms.No.99, Municipal Administration and Water Supply Department, dated 08.10.2018 itself and thereafter, an administrative sanction was granted vide another G.O.Ms.No.52 dated 13.05.2020 for acquisition of various lands in Karur Town Lakshmi Narayana Samuthiram Village and Inam Karur Village in Karur Taluk and the petitioner's land is one among the various lands identified for the acquisition proceedings.

14. The learned Additional Advocate General in the light of the above would impress upon this Court that the respondents have followed strictly the procedure contemplated under the provisions of the Act, 1997. In regard to the legal objections raised by the learned Senior Counsel for the petitioner that the present project cannot qualify to be considered for industrial purpose in terms of the provisions of the Act, he would submit that there are two decisions of this Court which would be a direct answer to such objections. In this regard he would rely on a decision of the learned Judge of this Court in a batch of Writ Petitions reported in ***MANU/TN/0653/2008 [M.Haridass and others v. The State of Tamil Nadu and others]***. He would particularly draw reference to paragraphs 53 to 55 of the decision of the learned Judge which is extracted hereunder:

"53. The term industrial purpose which is the core of the Tamil Nadu Act 10/1999 is defined under Section 2(e), is as follows:

Section 2(e) Industrial purpose" includes the starting of a new industry, expansion of an existing industry, the development of an industrial area and establishment and management of an industrial estate. It denotes not only what an industrial purpose is, but it is an inclusive definition which comes under broadly four categories viz.

- (i) starting of a new industry,
- (ii) expansion of an existing industry,
- (iii) the development of an industrial area and
- (iv) establishment and management of an industrial estate.



Therefore, the term industrial purpose for which the law is enacted can come under any one of the above said four categories apart from any other industrial purpose which may not come under the above said four categories. Out of the above said four narrated industrial purpose, in respect of development of industrial area, it is no doubt necessary that the Government has to declare by notification the said area to be an industrial area. The term industrial area is defined under Section 2(c) which is as follows:

Section 2(c), 'Industrial area' means any area declared by the Government, by notification, to be an industrial area Likewise, the industrial purpose relating to establishment and management of industrial estate means an area selected by the Government, wherein the Government builds factories and connected buildings and make them available for any industries as it is defined under Section 2(d) which is as follows:

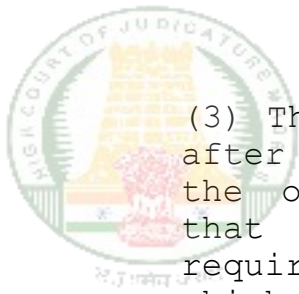
Section 2(d), "Industrial estate" means any site selected by Government, where the Government builds factories and other buildings and makes them available for any industry; Therefore, for the purpose of establishment and management of industrial estate, the Government has to select the place, built factories and make them available for any industry which can be give to private entrepreneurs also. However, in respect of the industrial purpose of starting a new industry or expansion of an existing industry there is no necessity for the Government to have a declaration to that effect or for the Government to choose the place for making it as an industrial estate.

54. On the face of definition clause, it is clear that for the purpose of starting new industries or expansion of existing industries it is not necessary for the Government to declare or to build factories by itself.

55. Section 3 of the Act deals with the power to acquire land which is as follows Section 3. Power to acquire land:-

(1) If, at any time, in the opinion of the Government, any land is required for any industrial purposes, or for any other purpose in furtherance of the objects of this Act, they may acquire such land by publishing in the Tamil Nadu Government Gazette a notice specifying the particular purpose for which such land is required.

(2) Before publishing a notice under sub-section (1), the Government shall, call upon the owner and any other person, who in the opinion of the Government may be interested in such land, to show cause within such time as may be specified in the notice, why the land should not be acquired. The Government shall also cause a public notice to be given in such manner as may be prescribed.



(3) The Government may pass an order under sub-section (1) after hearing and considering the cause, if any, shown by the owner or person interested. Section 3(1) postulates that if in the opinion of the Government any land is required for any industrial purpose or any other purpose, which is as per the main object of the Act, a publication could be effected specifying the particular purpose for which such land is required. Therefore, on a reading of Section 3(1) along with the definitions as stated above, it is clear that if the Government in its opinion requires any land for industrial purpose for starting new industry or expansion of existing industries, there is no need for the Government to actively involve itself by declaration as Industrial Area or Industrial Estate and the purpose of such acquisition for starting a new industry or expansion of existing industry can also be for the purpose of giving to private entrepreneurs. It is in this way two of the components for industrial purpose viz., development of industrial area and establishment and management of industrial estate are totally different from starting of a new industry or expansion of existing industry. Therefore, as long as the lands are required for industrial purpose in the opinion of the Government, it is immaterial as to whether the Government itself does various activities for the promotion of industrial development or give to individual entrepreneurs for industrial development as long as the same comes under the term industrial purpose of starting of new industry or expansion of existing industry. Therefore, the element of public purpose as it is understandable under the Central Act 1/1894 may not have strict application in respect of the Tamil Nadu Act 10 of 1999. However, it is true that the consequence of industrial purpose is to develop industrial growth in the State of Tamil Nadu which will ultimately be helpful to the public at large."

15. The learned Additional Advocate General would submit that the definition of 'industrial purpose' would take within its fold any related activities leading to the management of the industrial estate or establishment or development etc.

16. He would rely on a Division Bench judgment of this Court reported in **2008 2 LW 989 [J.Parthiban and 14 others v. The State of Tamil Nadu and 2 others]** He would draw the attention of this Court to paragraph 20 of the decision which is extracted hereunder:

"20. The contention advanced is that the State Government cannot resort to the T.N. Acquisition Act, as airport is not an industry for the purpose of the said Act. This contention also proceeds on the premise that the airport being a Union subject the State lacks competence to acquire the land. We have already seen that the State

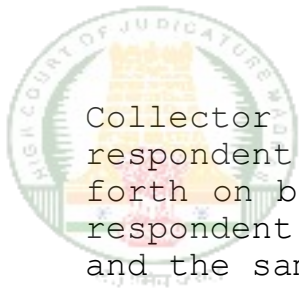


Act in question is in pith and substance a law for acquisition under Entry 42 of List III of the 7th Schedule. It can hardly be disputed that the State Government is primarily interested in development of the industries and in order to ensure industrial growth, infrastructural facilities like airport, railways, etc, are vitally important. In the broad sense, the purpose of expansion of the airport is also a State purpose or in other words a general public purpose. In this view also the acquisition in this case must be held to have been validly made."

17.In the above matter, the Division Bench has categorically discountenanced the argument that an acquisition proceedings initiated by the State Government in order to provide infrastructure facilities, facilitating smooth transport to the airport was objected to, but the Division Bench held that expansion of airport is also State purpose meaning a general public purpose and in that context, the acquisition was held to have been validly made by the State Government. Therefore, the contention of the petitioner *per se* is unsustainable and therefore, the same has to be brushed aside by this Court.

18.As regards the objection as to the authority not following the procedure contemplated under Section 14 and 15 of the Act, 1997, as there was no proper service of notice on the petitioner, the learned Additional Advocate General would produce the original files and simultaneously, draw the attention of this Court to the paper publication issued on 01.06.2020 issued by the third respondent wherein the name of the petitioner is shown as against his survey No.338/1A. This Court's attention was also drawn to Form-A notice issued under Section 3(2) of the Act and the notice was served on the petitioner on 04.06.2020 through Village Administrative Officer. The receipt of the notice has also been acknowledged by the petitioner by affixing signature. In fact, in the typed set of documents in W.P.(MD)No.553 of 2021, the Form-A and Form-B notices had been appended which were issued under Sections 14 and 15 of the Act. Therefore, according to the learned Additional Advocate General, the procedure to be followed in the acquisition proceedings had been fully complied. The newspaper publications were caused both in English as well as Tamil, namely, Indian Express and Thinathanthi in terms of the procedure contemplated under the Act.

19.In regard to the objections as to the competency of the third respondent in initiating acquisition proceedings, the learned Additional Advocate General would demonstrate before this Court that as early as on 11.11.2013, the Secretary to Government issued proceedings drawing reference to its earlier proceedings dated 18.07.2013 empowering the District Collector to appoint any Officer to perform the functions of the District Collector under Section 2 (e) of the Act, 1997. On the basis of the above proceedings, as far as the present acquisition proceedings is concerned, the District



Collector vide his order dated 20.05.2020 appointed the third respondent as Acquisition Officer. Therefore, the arguments put forth on behalf of the petitioner as to the competency of the third respondent in initiating proceedings is absolutely without any basis and the same is contrary to the records.

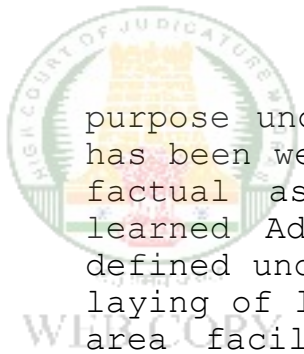
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20.The learned Additional Advocate General would therefore sum up that all the three Writ Petitions have been filed one after the other by not disclosing the actual facts and on the basis of the incorrect facts, the petitioner had obtained interim orders against public interest. According to the learned Additional Advocate General, more than 95% of the work has been completed and except a very miniscule portion which could not be completed because of the interim orders of this Court as aforementioned. He would, therefore, request this Court to dismiss all the Writ Petitions as devoid of merits and substance.

21.This Court considered the submission of Mr.Isaac Mohanlal, learned Senior Counsel appearing for the petitioner, Mr.M.Sricharan Rangarajan, learned Additional Advocate General, assisted by Mr.K.P.Krishnadoss, learned Special Government Pleader, appearing for the State and Mr.S.Senthil Kumaraiah, learned Counsel for the Karur Municipality.

22.The learned Senior Counsel appearing for the petitioner initially argued that without having recourse to pre-acquisition proceedings, the third respondent had initiated action for compensation to be paid under Section 7(2) and 7(5) of the Act illegally, necessitating filing of W.P.(MD)No.553 of 2021. The said submissions made on behalf of the petitioner is contrary to the records as the respondents have clearly demonstrated that they have followed the procedure in respect of pre-acquisition proceedings scrupulously and in that view of the matter, the objection of learned Senior Counsel being contrary to the records would have to fall flat. Writ Petition (MD) No.553 of 2021 is, therefore, liable to be dismissed not only as being without merit but also for the reason that the petitioner has approached this Court with unclean hands. As regards the other Writ Petition, namely, W.P.(MD)No.17574 of 2020 is concerned, it was a speculative litigation of the petitioner on the basis of his baseless apprehension that the authorities would not follow the due process of law while subjecting his land to any acquisition proceedings. The said Writ Petition has to be dismissed as having become infructuous in the face of the acquisition proceedings subsequently initiated under Act, 1997 as narrated above.

23.In regard to the substantive challenge in W.P.(MD)No.1390 of 2021, the contours of attack on the part of the petitioner canvassed through learned Senior Counsel are that the laying of 40 ft. width Karur link road cannot qualify to be an activity attracting

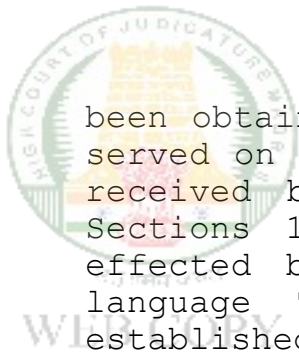


purpose under Act, 1997 was illegal and void. The said submission has been well answered on behalf of the respondents both in terms of factual assertion and also the legal authorities cited by the learned Additional Advocate General. The industrial purpose as defined under the Act is very broad in its scope and application and laying of link road between Karur Railway Station and the industrial area facilitating smooth and uninterrupted access and transport would always be considered as part of the industrial activity and would very much qualify to be part of the industrial purpose. In fact, in the counter affidavit filed on behalf of the respondents, it is well demonstrated that the laying of the present Karur link road is essential for promoting the textile processing industry, bus body building industry, mosquito net knitting industries etc., by means of improving the material transportation. Such transportation was a long felt need of the local industrialists and exporters and any promotion of industrial activity would indisputably serve larger public purpose of improving the economy of the State. Therefore, the contention that laying of the link road would not qualify within the definition of the industrial purpose under the Act is an invalid and specious argument to say the least and in fact, this Court is of the view that such argument is presumably borne out of desperation on the part of the petitioner to stultify the acquisition proceedings at any cost.

24. In fact the learned Senior Counsel for the petitioner as a preliminary objection submitted that the work order for the project was issued much before the initiation of the actual acquisition proceedings. The said submission is also to be dismissed as being without merit for the reason that as demonstrated by the respondents that as early as on 08.10.2018 itself in G.O.Ms.No.99, Rs.21.12 Crores was sanctioned for formation of link road from Karur Railway Station to NH7. The Government, therefore, had formulated the project in 2018 itself and thereafter, initiated further steps towards completion of the project including beginning of the acquisition proceedings vide G.O.Ms.No.52 dated 13.05.2020 and issuance of notice under Section 3(2) dated 01.06.2020 etc., followed by Form-A and B notices on 04.06.2020, approval of the notification issued under Section 3(1) of the Act, 1997 on 01.12.2020 again followed by notices issued under Section 7(2) r/w. 7(5) of the Act, 1997 on 31.12.2020. The sequence of measures initiated by the Acquisition Officer would unequivocally demonstrate that the procedure contemplated in the Act has been meticulously followed and adhered to without leaving room for any lacunae in the exercise of power towards acquisition of lands.

25. Moreover, the contention regarding the authorities have not followed the procedure regarding service of notice contemplated under Sections 14 and 15 of the Act is also to be repulsed as being totally without any merit. In fact, this Court has summoned the original documents and perused the relevant notices and find that

<https://hcdirects.courts.gov.in/hcdirects/>



been obtained in the notice itself. The notice date 01.06.2020 was served on the petitioner through Village Administrative Officer and received by him on 04.06.2020. Further, as contemplated under Sections 14 and 15 of the Act, the newspaper publications were effected both in English, namely, Indian Express and vernacular language Thinathanthi on 04.06.2020. Therefore, it is well established that the petitioner has come up with a false case, as if the respondents had attempted to dispossess him illegally and unjustly and on the basis of the falsehood he has stalled the acquisition proceedings maliciously.

26.The yet another contention of the petitioner that the third respondent is not competent to initiate proceedings is also contrary to fact and records. As stated above that in view of the proceedings of G.O.Ms.No.141, dated 18.07.2013 followed by Secretary's communication dated 11.11.2013 and the District Collector's proceedings dated 20.05.2020, the objection raised by the petitioner as to the competency of the third respondent is to be held without any basis and thoroughly unfounded. In fact, the latest order by the Collector dated 20.05.2020 has authorised the third respondent to be the Acquisition Officer and the order of the Collector would refer to the earlier G.O.Ms.No.141, dated 18.01.2013 and the proceedings of the Principal Secretary dated 11.11.2013. Therefore, the authorities have taken exemplary care in adhering to every procedure contemplated in the Act.

27.As stated above, the petitioner has not come up with a clean case of challenge against the impugned acquisition proceedings. From the records, it could be seen that the so-called ignorance of the pre-acquisition proceedings initiated by the authorities stood exposed as the documents produced indisputably revealed that the petitioner was aware of the proceedings all along. However, presumably and ostensibly in order to secure his own ends, he had approached this Court in the earlier two rounds of litigations, namely, W.P.(MD)No.17574 of 2020 and 553 of 2021 challenging first the proposed action and second, action of the authorities without disclosing the fact that the petitioner had knowledge of the notice for pre-acquisition proceedings way back on 04.06.2020 itself. From the records it could be seen that the first writ petition has been filed, namely, W.P.(MD)No.17574 of 2020, in November, 2020 i.e., much after the petitioner had received the Form-A notice on 04.06.2020 under Sections 3 and 4 of the Act, 1997. Without disclosing the same, the petitioner had managed to obtain interim orders by withholding the material information and which in the opinion of this Court amounted to fraud being played upon the Court.

28.Further, when another Writ Petition in W.P.(MD)No.553 of 2021 was filed the same factual position had existed and yet, the petitioner had chosen to challenge only the proceedings dated 31.12.2020 which was issued under Section 7(2) r/w Section 7(5) of the Act, 1997. In his explanation to the compensation amount to be



payable as consequence of the acquisition of his land. The said Writ Petition was challenged principally on the ground that without following pre-acquisition proceedings, the third respondent directed issuance of notice under Section 7(2) and 7(5) of the Act. There again the petitioner had played fraud upon this Court and in the process had obtained yet another interim order from this Court on 11.01.2021 that he ought not to be dispossessed of his property. On both the cases, this Court had been misled into passing interim orders in his favour.

29. In spite of he being aware of the acquisition proceedings all along, the last of the Writ Petitions is filed in W.P.(MD) No.1390 of 2021 as if he had come to know of G.O.Ms.No.134, dated 01.12.2020 which was issued under Sub-section (1) of Section 3 of the Act, 1997 only after a copy of the same was filed in the typed set of documents on behalf of the respondent authority in W.P.(MD) No.17574 of 2020. The averment to that effect as contained in the affidavit filed in support of the Writ Petition has to be rejected outright as a display of brazen deception on the part of the petitioner, ostensibly with a view to hoodwink this Court into believing the justification of the petitioner for filing of the earlier two Writ Petitions.

30. At the end of the day, the petitioner has maliciously held up the important public project by obtaining interim orders either by suppression of fact actively or without disclosing the same out of feigned ignorance or innocence in regard to a miniscule area of property owned by him as being part of the larger extent of lands which were acquired for a public purpose. In fact, the learned Additional Advocate General while making his submission has also drawn reference to the petitioner's mother's representation dated 20.11.2017 itself requesting the authority for payment of compensation for acquiring of the land. In any event, this Court is not inclined to accept that contention as a relevant factor for consideration of this Court as the request was made as early as on 20.11.2017 and addressed to the Commissioner of Karur Municipality which in the opinion of this Court cannot act as a estoppel against the present challenge. But at the same time, the present challenge of the petitioner though discountenanced on all fronts in terms of the above narration, the challenges per se could also have been summarily dismissed on the ground of the suppression of material facts by the petitioner and having approached this Court with uncleaned and tainted hands. In any event, these Writ Petitions are otherwise liable to be dismissed as being absolutely without any merit and substance.

31. In view of the fraudulent conduct of the petitioner in misleading this Court by coming up with false challenges repeatedly, this Court was initially inclined to dismiss all the Writ Petitions with exemplary costs. However, as a matter of grace, giving him the benefit of doubt as to his real intent, this Court is refraining



from imposing cost on him.

32. In the above circumstances, all the Writ Petitions stand dismissed for all the above stated reasons. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM
To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 9.
2. The District Collector,
Karur District,
Karur.
3. The Land Acquisition Officer/
Revenue Divisional Officer,
Karur.
4. The Commissioner,
Karur Municipality,
Karur.
5. The Divisional Manager,
Southern Railways,
Salem Division,
Salem.

+3 CC to M/s.AN.RAMANATHAN, Advocate (SR-12705,12706,12707[F])

W.P. (MD) Nos.17574 of 2020 and 553 & 1390 of 2021
22.03.2021

ARK(CO)
KK(22.03.2021) 15P 9C