



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.1228 of 2013 and 33755 of 2015
and M.P.Nos.1 and 2/2013
and M.P.No.1 of 2015
and WMP.No.4128 of 2016

G.Murugan ...Petitioner in W.P.No.1228/2013

Thirumathi Sarathamani
rep.by its power of attorney
G.Murugan

...Petitioner in W.P.No.33755/2015

Vs.

1. The Government of Tamil Nadu
rep.by its Principal Secretary,
Fort St.George, Chennai 9.

2. The District Collector,
Collectorate, Villupuram District.

...Respondents in W.P.No.1228/2013

1. The Government of Tamil Nadu
rep.by its Principal Secretary,
Industries (SIPCOT-LA) Department,
Fort St.George, Chennai 9.

2. The Land Acquisition Officer and
District Collector,
Collectorate, Villupuram District.

3. The Special Tahsildar,
(Land Acquisition)-I
SIPCOT, Tindivanam Taluk,
Villupuram District.

...Respondents in W.P.No.33755/2015

Common Prayer: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorari to call for the records from the respondents pertaining to the impugned Na.Ka. B1/ 21572/10 dated 26.5.2012 and Na.Ka. Aa1/ 21572/10 dated 23.09.2015 respectively and quash the same in respect of the land in Survey No.61/3B, spread over 0.17.0 Hects, (out of S.No.61/3 spread over 0.29.0 Hects) situated at Peela Kuppam, Tindivanam Taluk and Villupuram District.



For Petitioner in both petitions : Mr.P.Vijendran

For Respondents in both petitions: Mr.R.P.Murugan Raja
Government Advocate

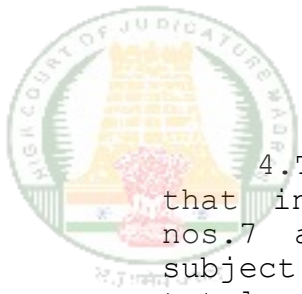
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Common Order

These petitions have been filed for issuance of writ of Certiorari to call for the records from the respondents pertaining to the impugned proceedings in Na.Ka. B1/ 21572/10, dated 26.5.2012 and Na.Ka. Aa1/ 21572/10 dated 23.09.2015 and quash the same.

2. Since the issue arises in the present round of litigation are one and the same, these writ petitions are taken up together and disposed of by this common order. The petitioner in W.P.No.33755 of 2015 is represented by a Power Agent viz., G.Murugan, who is none other than the writ petitioner in W.P.No.1228 of 2013 and he sworn the affidavit on behalf of the petitioner in W.P.NO.33755 of 2015.

3. The case of the petitioner is that the petitioner is the owner of the property in Survey No.61/3B, spread over 0.17.0 Hects, (out of S.No.61/3 spread over 0.29.0 Hects) situated at Peela Kuppam, Tindivanam Taluk and Villupuram District. He is running the aqua farms in the name of 'Thiru Sanganithi Aqua Arms' and it's main business is packing drinking water and for which, he obtained all required license from various authorities and also approval from Pelakuppam Panchayat. It is alleged by the petitioner that the land is originally vest with Mrs.Saradamai Chinnasamy, who gave Power of Attorney in his favour on 11.12.2007. While so, the 1st respondent has issued G.O.(Ms.) No.176 dated 16.12.2010 for acquiring land in favour of SIPCOT, under the provision of the Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997 and in that Government Order, the land in S.F.No.61/3 is exempted. However, the 2nd respondent has proceeded further and issued impugned proceedings, in Na.Ka.B1/21572/10 dated 26.05.2012, as if portion of land 0.17.0 hecets out of 0.29.0 hecets were proposed to acquire. It is the grievance of the petitioner that if the impugned proceedings given effect, the industry will be paralysed and the petitioner will be put to irreparable loss and hardship. Hence, the petitioner filed W.P.No.1228 of 2013 before this Court and this Court had ordered notice and admitted the Writ Petition, however the respondent never entered appearance and no counter affidavit has been filed in the said Writ Petition. While being so, the 2nd respondent has sent the impugned notice dated 23.09.2015. Challenging the same, W.P.NO.33755 of 2015 has been filed.



4.The learned counsel appearing for the petitioner submitted that in view of the counter affidavit, especially paragraph nos.7 and 9, wherein it was categorically stated that the subject matter of the property in respect to S.No.61/3, the total extent was 0.29.0 hectare and the Land Acquisition Officer / District Collector has inspected the mineral water company and the extent of 0.12.0 hectare was omitted to the industry and the remaining land have accorded administrative sanction for acquisition and thereby recording the same, this Writ Petition may be closed.

5.This Court has perused the counter affidavit dated 13.10.2017, filed on behalf of the 2nd respondent and it is relevant to extract paragraph no.7 and 9 of the same:

'7.Regarding the averments made in ground (b) of the affidavit, it is submitted that the subject matter of the property in respect to the S.No.61/3 to the total extent was 0.29.0 hectare which stands in the name Sarathamani Chinnasamy who is the title owner and petitioner herein. The Land Acquisition Officer / District Collector has inspected the mineral water company and in respect to the extent of 0.12.0 hectare were omitted to the industry and the remaining land in G.O.(Ms.) No.176, Industries (SIPCOT-L.A) Department, dated 16.12.2010 have accorded administrative sanction for the acquisition of patta lands to an extent of 167.62.0 hectare patta lands in Pelakupam Village including the extent of 0.17.0 hectare in S.No.61/3 also which is the remaining part of the omitted land to the extent of 0.12.0 hectare in the total extent.

9.Regarding the averments made in ground (e) of the affidavit, it is submitted that the petitioner issued notice through their counsel, dated 08.08.2012 to the District Collector, Villupuram. Based on the objection petition, the District Collector, Villupuram, made a enquiry to SIPCOT, District Revenue Officer, and Villupuram District Revenue Officer, and they submitted that space to the extent of 0.12.0 hectare running mineral water industry and to the remaining extent of 0.17.0 hectare land acquisition proceedings can be initiated. The District Collector, Villupuram, also made proper enquiry on the petition, dated 10.09.2012. While on the enquiry the petitioner submitted that to the subject matter of the property for the total extent of 0.29.0 hectare



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required for the extension of running mineral water industry, so the property may be exempted from the acquisition process. After due enquiry made by the District Collector, Villupuram, in his order, dated 05.01.2013 stating that the extent of 0.12.0 hectare is sufficient for running industry and ordered for part extent of 0.17.0 hectare for acquisition.''

6.A perusal of the same reveals that the District Collector, after inspection, vide his order, stated that an extent of 0.12.0 hectares of the petitioner's land is excluded from the acquisition proceedings and inclined to acquire the remaining extent of 0.17.0 hectare alone and therefore, no further adjudication is required in these Writ Petitions.

7. In view of the above, these writ petitions are closed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Industries (SIPCOT-LA) Department,
Fort St.George, Chennai 9.
2. The Land Acquisition Officer and
District Collector,
Collectorate, Villupuram District.
3. The Special Tahsildar,
(Land Acquisition)-I
SIPCOT, Tindivanam Taluk,
Villupuram District.
4. The District Collector,
Villupuram.

+1cc to Mr.P.Vijendran, Advocate, S.R.No.27346

+1cc to the Government Pleader, High Court, Madras-104
S.R.No.27693, 27694

W.P.Nos.1228 of 2013 and 33755 of 2015

EV(CO)
RGA(06/05/2022)