



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.16120, 16121, 16122, 16123, 16124 & 16125 of 2016
and

W.M.P.Nos.13916, 13917, 13918, 13919, 13920 & 13921 of 2016

C.KATHIRVEL	...Petitioner in WP No.16120 of 2016
SELVARANI	...Petitioner in WP No.16121 of 2016
K.PERIYASAMY	...Petitioner in WP No.16122 of 2016
A.PERIYASAMY	...Petitioner in WP No.16123 of 2016
G.MAHESWARI	...Petitioner in WP No.16124 of 2016
LAKSHMI	...Petitioner in WP No.16125 of 2016

Vs

1. The Chairman,
Tamil Nadu Industrial Development Corporation Limited,
(A Government of Tamil Nadu Enterprises)
No.19-A, Rukmani Lakshmipathy Road (Marshall's Road),
Egmore, Chennai-600 008.
2. The District Collector,
Office of the District Collector,
Perambalur District,
Perambalur,
3. The Sub Registrar,
Office of the Sub Registrar,
Valigandapuram,
Thirumanthurai Village,
Perambalur District.
4. M/s. G.V.K., Industries Limited,
156-159, Baicca House,
Sardarpatel Road,
Secundarabad-500 003,
Andrapradesh state.



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5. G.V.K., Infra tech Private Limited,
Represented by its
Authorized Signatory,
Srinivasalu Reddy,
Son of P, Janarathana Reddy,
156-159, Baicca House,
Sardarpatel Road,
Seundarabad---500 003,
Andrapradesh state.

6. G.V.K, Perambalur SEZ Private Limited,
No.255/DA/48D Mettu Street,
Samiappa Nagar,
Perambalur-621 212.

...Respondents 1 to 6 in all WPs

PRAYER in W.P.16120 of 2016 :Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ in the nature of Writ of Mandamus directing the Respondents 1 & 2 to take action against the respondents 4 to 6 regarding to hand over the house sites in S.No.228/2 AK 2.93(1.18.5), S.No.235/2 AK 2.04 (0.82.5) to the total extent of 4.97 acres, house plot No.95 and 96, to the petitioner based on his representation dated 21.08.2015 within stipulated time may be fixed by this Hon'ble Court.

PRAYER in W.P.16121 of 2016: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ in the nature of Writ of Mandamus directing the respondents 1 and 2 to take action against the respondents 4 to 6 regarding to hand over the house sites in S. No. 228/2 AK 2.93 (1.18.5), S. No. 235/2 AK 2.04 (0.82.5) to the total extent of 4.97 acres, house plot No.85 (1350 sq.ft.) to the petitioner based on her representation dt 21.8.2015 within stipulated time may be fixed by this Honourable Court

PRAYER in W.P.16122 of 2016: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ in the nature of Writ of Mandamus directing the respondents 1 and 2 to take action against the respondents 4 to 6 regarding to hand over the house sites Plot No.101 and 102 in S. No. 228/2 AK 2.93 (1.18.5), S. No. 235/2 AK 2.04 (0.87.5) to the total extent of 4.97 acres, measuring to an extent of 2700 sq.ft. to the petitioner based on his representation dt 21.8.2015 within stipulated time may be fixed by this Honourable Court

PRAYER in W.P.16123 of 2016: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ in the nature of Writ of Mandamus directing the respondents 1 and 2 to take action against the respondents 4 to 6 regarding to hand over the house sites in S. No. 228/2 AK 6.91, AK 3.91, S.



No. 235 AK 9.35 AK 1.05 to the total extent of 4.96 acres, house Plot No.97 (1271.25 sq.ft.) to the petitioner based on his representation dt 21.8.2015 within stipulated time may be fixed by this Honourable Court.

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PRAYER in W.P.16124 of 2016: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ in the nature of Writ of Mandamus directing the respondents 1 and 2 to take action against the respondents 4 to 6 regarding to hand over the house sites in S. No. 228 AK 6.84, AK 3.91, S. No. 235 AK 9.35 AK 1.05 to the total extent of 4.96 acres, house Plot No.31 (1350 sq.ft.) to the petitioner based on her representation dt 21.8.2015 within stipulated time may be fixed by this Honourable Court.

PRAYER in W.P.16125 of 2016: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ in the nature of Writ of Mandamus directing the respondents 1 and 2 to take action against the respondents 4 to 6 regarding to hand over the house sites Plot No.19 and 20 in S. No. 228/2 AK 2.93 (1.18.5) S. No.235/2 AK 2.04 (0.82.5) to the total extent of 4.97 acres, measuring to an extent of 3000 sq.ft. to the petitioner based on her representation dt 21.8.2015 within stipulated time may be fixed by this Honourable Court.

For Petitioner ... Mr. S.N. Subramani in all WPs

For Respondents ... Mr. Yogesh Kannadasan,
in all WPs Special Government Pleader
for R1 to R3.

... M/s. K.S. Shankar Murali
for R4 to R6.

C O M M O N O R D E R

Since, the issue arises in all the Writ Petitions are one and the same, all these petitions are taken up for final disposal by way of a common order.

2. These petitions have been filed seeking a direction to the Respondents 1 & 2 to take action against the respondents 4 to 6 by considering the representation made by the petitioners within the time that may be stipulated by this Court.

3. It is the case of the petitioners that they are the absolute owners of the subject properties and the said properties were purchased by way of registered sale deeds. While being so, the petitioner and the 5th Respondent entered into a memorandum of understanding dated 23.10.2009 with a promise by



the 5th Respondent to provide house sites plots to the petitioner, based on the agreement dated 06.07.2007 entered into between the Respondents 1 & 4 to acquire the lands in the Perambalur District for the purpose of establishing the Special Economic Zone Project. In spite of the memorandum of understanding and acquisition of lands, the Special Economic Zone Project has not been fructified till date. Therefore, several representations have been made for executing the memorandum of understanding dated 23.10.2009, however, the said representations were not considered. Therefore, the petitioners made a representation dated 21.08.2015 to Respondents 1 & 2. Since, the same has not been considered till date, the petitioners have come up with the present petitions.

4. Though very many grounds have been raised, learned counsel for the petitioners submits that it would suffice if this Court issues a direction to the Respondents 1 & 2 to take steps to implement the memorandum of understanding dated 23.10.2009 by considering the representation dated 21.08.2015 made by the petitioners on merits, within the time that may be stipulated by this Court.

5. Learned counsel appearing for R4 to R5 submits that already the house sites have been handed over to the concerned District Collector for distributing the same to the petitioners as per the memorandum of understanding dated 23.10.2009.

6. Taking note of the aforesaid submissions and in view of the materials available on record, this Court, without expressing any opinion on the merits of the case, is inclined to issue a direction to the 2nd Respondent herein to implement the memorandum of understanding dated 23.10.2009, by considering the petitioners' representation dated 21.08.2015 and provide house sites to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order, failing which, the Respondents 1 & 4 are directed to release the lands taken from the petitioners, within a period of twelve weeks thereafter.

7. Accordingly, these Writ Petitions are disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

NHS



To

1. The Chairman,
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(A Government of Tamil Nadu Enterprises)
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Sardarpatel Road,
Secundarabad-500 003,
Andrapradesh state.

+6cc to Mr.s.N.Subramani, Advocate, S.R.No.26881, 26880, 26878,
26879, 26882, 26883

+1cc to the Government Pleader, S.R.No.27546, 27547, 27548

W.P.Nos.16120, 16121, 16122,
16123, 16124 & 16125 of 2016

AK(CO)
RGA(31/05/2022)