



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.3.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.776 of 2022

and C.M.P.No.5420 of 2022

G.Iniyan Kumar

... Appellant/Petitioner

Vs

1. The Managing Director,
Tamil Nadu Industrial
Development Corporation Ltd.,
19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai-600 008.

2. The District Collector,
Tiruvallur District,
Collectorate Campus,
Tiruvallur HO,
Tiruvallur-602 001.

3. The District Revenue Officer,
Tiruvallur District,
Collectorate Campus,
Tiruvallur HO,
Tiruvallur-602 001.

.. Respondents

Prayer:Appeal filed under Clause 15 of the Letters Patent
against the order dated 22.11.2021 in W.P.No.24834 of 2021.

Prayer in WP.No.24834 of 2021:

Writ Petition is filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari,
calling for the records of the third respondent's notice dated
29.06.2021 under Section 3(2) of the Tamil Nadu Acquisition of
Lands for Industrial Purpose Act, 1997 bearing
Na.Ka.24674/2020/F1 for the acquisition of lands measuring an
extent of 31,750 sq.mts in S.F.No.1363/1 & 1363/2, Usain
Nagaram, Mappedu Village, Tiruvallur District and quash the
same.

For Appellant

: Mr.T.P.Prabakaran

For Respondents

: Mr.P.Muthukumar,
State Government Pleader for
R2 and R3



JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard the learned counsel appearing for the respective parties.

2. The writ appeal has been filed against the order dated 22.11.2021 passed in W.P.No.24834 of 2021 wherein a challenge was made to the notice dated 29.6.2021 issued under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. The learned Single Judge dismissed the writ petition finding that the enquiry date itself expired and the impugned notice also got expired.

3. The learned counsel for the appellant submits that the appellant is actually aggrieved by the order dated 19.8.2021 passed on the objections submitted by the appellant, as the same was passed by an authority who was not competent to pass the order.

4. However, we do not find a prayer in the writ petition for quashing the order dated 19.8.2021 or even an argument to that effect. It is otherwise taken to be a decision on the objections made by the appellant. Rather, it was sent by the Authority, for whom, the lands were sought to be acquired. It is in compliance of the Rules and a final decision is to be taken by the Competent Authority and the Government before issuing the Notification under Section 3(1) of the Act of 1997. Thus, the appeal has been filed for a cause not prayed for in the writ petition and otherwise the appellant is misleading the Court.

5. Taking into consideration the overall circumstances, the writ appeal is dismissed with cost of Rs.5,000/- (Rupees five thousand only) to be paid to the Tamil Nadu State Legal Services Authority, Chennai within 15 days from today and the compliance shall be reported to the Registrar Judicial. If the compliance is not made within the time stipulated, the writ petition shall be posted before this Court for passing appropriate orders for compliance. Consequently, the connected CMP is also dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

RS



To

1. The Managing Director,
Tamil Nadu Industrial Development Corporation Ltd.,
19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai-600 008.

2. The District Collector,
Tiruvallur District, Collectorate Campus,
Tiruvallur HO, Tiruvallur-602 001.

3. The District Revenue Officer,
Tiruvallur District,
Collectorate Campus,
Tiruvallur HO, Tiruvallur-602 001.

4. The Secretary,
Tamil Nadu State Legal Services Authority,
High Court, Madras-104.

5. The Registrar Judicial,
High Court, Madras.

6. The Section Officer,
Writ Section,
High Court, Madras-104.

+1cc to Mr.T.P.Prabakaran, Advocate, S.R.No.21908

+1cc to the Government Pleader, S.R.No.21822

W.A.No.776 of 2022

NRL (CO)
KM(04/04/2022)