



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP. Nos. 9788, 9792, 9796 & 9797 of 2022
and
WMP. Nos. 9511, 9513, 9519, 9520,
9521, 9523, 9530 & 9531 of 2022

P.G.Sankar	...Petitioner in W.P.no.9788 of 2022
M.Susila	...Petitioner in W.P.No.9792 of 2022
J.Meenakshi	...Petitioner in W.P.no.9796 of 2022
M.Sathiyamoorthy	...Petitioner in W.P.no.9797 of 2022

Versus

- 1.The Principal Secretary to Government,
Industries (SIPCOT- LA)Department,
Secretariat, Chennai 9.
- 2.The District collector,
Dharmapuri District.
- 3.The Special Tahsildar,
(Land Acquisition),
SIPCOT Phase II, Dharmapuri.
...Respondents in all the petitions

Prayer in W.P.No.9788 of 2022:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Calling for the records relating to the proceedings of the 1st respondent in GO Ms. 184 Industries (SIPCOT - LA) Department dated 25.8.2020 and the consequential summons issued by the 3rd respondent in Na.Ka. 18 / 2021 / phase-2 dated 3.1.2022 quash the same in respect of the petitioners land measuring 1200 square feet comprised in survey number 314/2 Balajangama Hully village, Dharmapuri Village and district.



Prayer in W.P.No.9792 of 2022:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Calling for the records relating to the proceedings of the 1st respondent in GO Ms. 184 Industries (SIPCOT - LA) Department dated 25.8.2020 and the consequential summons issued by the 3rd respondent in Na.Ka. 18 / 2021 / phase-2 dated 3.1.2022 quash the same in respect of the petitioners land measuring 6000 square feet comprised in survey number 314/2 Balajangama Hully village, Dharmapuri Village and district.

Prayer in W.P.No.9796 of 2022:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Calling for the records relating to the proceedings of the 1st respondent in GO Ms. 184 Industries (SIPCOT - LA) Department dated 25.8.2020 and the consequential summons issued by the 3rd respondent in Na.Ka. 18 / 2021 / phase-2 dated 3.1.2022 quash the same in respect of the petitioners land measuring 1200 square feet comprised in survey number 314/2 Balajangama Hully village, Dharmapuri Village and district.

Prayer in W.P.No.9797 of 2022:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Calling for the records relating to the proceedings of the 1st respondent in GO Ms. 184 Industries (SIPCOT - LA) Department dated 25.8.2020 and the consequential summons issued by the 3rd respondent in Na.Ka. 18 and 19 / 2021 / phase-2 dated 19.1.2022 quash the same in respect of the petitioners land measuring 2394 square feet comprised in survey number 315 and 316/2 Balajangama Hully village, Dharmapuri Village and district.

For Petitioners : Mr. M.Devaraj (in all the petitions)

For Respondents : Mr. P.Sathish, AGP (in all the petitions)

COMMON ORDER

Since the issue involved in all the matters and the facts are one and the same. Therefore, all the petitions are disposed of by way of common order.

2. W.P.No.9788 of 2022 has filed calling for the records relating to the proceedings of the 1st respondent in GO Ms. 184 Industries (SIPCOT - LA) Department dated 25.8.2020 and quash the summons issued by the 3rd respondent in Na.Ka. 18 / 2021 / phase-2 dated 3.1.2022 in respect of the petitioners land



measuring 1200 square feet comprised in survey number 314/2 Balajangama Hully village, Dharmapuri Village and district.

3. W.P.No.9792 of 2022 has filed to issue a Writ of Certiorari Calling for the records relating to the proceedings of the 1st respondent in GO Ms. 184 Industries (SIPCOT - LA) Department dated 25.8.2020 and quash the summons issued by the 3rd respondent in Na.Ka. 18 / 2021 / phase-2 dated 3.1.2022 in respect of the petitioners land measuring 6000 square feet comprised in survey number 314/2 Balajangama Hully village, Dharmapuri Village and district.

4. W.P.No.9796 of 2022 has filed to issue a Writ of Certiorari Calling for the records relating to the proceedings of the 1st respondent in GO Ms. 184 Industries (SIPCOT - LA) Department dated 25.8.2020 and quash the summons issued by the 3rd respondent in Na.Ka. 18 / 2021 / phase-2 dated 3.1.2022 in respect of the petitioners land measuring 1200 square feet comprised in survey number 314/2 Balajangama Hully village, Dharmapuri Village and district.

5. W.P.No.9797 of 2022 has filed to issue a Writ of Certiorari Calling for the records relating to the proceedings of the 1st respondent in GO Ms. 184 Industries (SIPCOT - LA) Department dated 25.8.2020 and quash the summons issued by the 3rd respondent in Na.Ka. 18 and 19 / 2021 / phase-2 dated 19.1.2022 quash the same in respect of the petitioners land measuring 2394 square feet comprised in survey number 315 and 316/2 Balajangama Hully village, Dharmapuri Village and district.

6. The case of the petitioners is that they are land looser. Challenging the acquisition proceedings, the petitioners came up before this Court. For developing the industries in Dharmapuri District, the respondents acquired the lands including the petitioners property. The third respondent issued impugned summons on 03.01.2022 at 11 AM in respect of the acquisition of their lands as per G.O.Ms.No.184 dated 25.08.2020. The said summons was issued under Section 7 (2) of the Tamil Nadu Acquisition of Land for Industrial Purpose Act 1999. Challenging the same, these writ petitions have been filed.

7. The learned counsel for the petitioners submitted that before issuing the impugned notice under Section 3(1) of T.N.Act 10 of 1999, the respondents are bound to issue notice under Section 3(2), as contemplated under Rule 3 specified in Form-A. But, no notice was issued to the petitioners to submit their objections and no enquiry was conducted as provided under Rule 6 in hearing the objections. Hence, the entire acquisition



proceedings in respect of the impugned notification dated 25.08.2020 is in total violation of the provisions of the act and the same is liable to be quashed.

8. The learned Additional Government Pleader appearing on behalf of the respondents, on instructions, submitted that during the course of acquisition, in accordance with the act and rules, the respondents issued personal notice-Form A in Na.Ka.No.54/2017 dated 22.03.2017 to the petitioners/land owners. The name of the owners of the dispute lands were included based on the patta of the land and based on the encumbrance certificate. Most of the land owners address are unknown as they are not residing in the said locality. Therefore, the District Administration intending to publish the acquisition proceedings by way of a public notice in Form B dated 10.04.2017 which was issued under section 3(2) of the Act read along with Rule 4 of the Rules, was published in two local dailies viz., Makkal Kural and New Indian Express dated 10.04.2017. The learned counsel further submitted that the entire procedure of the acquisition of the dispute lands had been properly maintained and followed without any discrepancy based on the Tamil Nady Acquisition of land for Industrial purposes Act, 1997 (hereinafter referred to as 'the Act') and the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001 (hereinafter referred to as 'the Rules'). Hence, the learned counsel prays to dismiss these petitions.

9. Heard, the learned counsel for the petitioners as well as the learned Additional Government Pleader appearing for the respondents, and perused the materials available on record.

10. The facts of the case are not in dispute. Admittedly, the petitioners' lands were acquired for enriching Industries (SIPCOT Scheme) and possession was taken from the land owners including the petitioners. At this juncture, the learned Additional Government Pleader pointed out that the Government have decided to acquire 15 Acres and 22 cents of the land for the purpose of putting an industrial parks in Dharmapuri District including the petitioners' land. Therefore, the respondents, as per the Act and Rules, issued mandatory personal notice-Form A to the land owners. Most of the land owners are not residing in the said village and therefore, the Government published the notice through dailies on 10.04.2017. After analysing the entire proposal, the District Administration Published the acquisition Notion-Form C in the Dharmapuri District Gazatte No.342 dated 25.08.2020 issued under Section 3 (1) of the Act read along with Rule 7 of the Rules.



11. From the above, it is evident that the acquisition proceedings have been completed and the subject land was taken over by the Government and the disputed lands have been mutated and stands in the name of the 3rd respondent herein. Therefore, once the lands were vested with the Government, the petitioners have no rights to claim their rights over the properties. This Court finds no merit in the petition and also this Court cannot interfere with the impugned order passed by the respondents. If the petitioners feels aggrieved by the final award, the same can be challenged by the petitioners before the appropriate forum.

12. With the above observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also closed. However, liberty is granted to the petitioners to work out their remedy in the manner known to law.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
Industries (SIPCOT- LA)Department,
Secretariat, Chennai 9.

2.The District collector,
Dharmapuri District.

3.The Special Tahsildar,
(Land Acquisition),
SIPCOT Phase II, Dharmapuri.

+4ccs to Mr.M.Devaraj, Advocate SR. Nos. 28466, 28465, 28464,
28463

+1cc to Government Pleader SR. No. 29664

WP.Nos.9788, 9792, 9796 & 9797 of 2022
and

WMP.Nos.9511, 9513, 9519, 9520,
9521, 9523, 9530 & 9531 of 2022

RK (CO)

PR (02/06/2022)