



W.P.No.16088 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12 .09.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.16088 of 2018 and
W.M.P.Nos.19113 and 19114 of 2018 and 20639 of 2019
W.P.No.16089 of 2018 and W.M.P.Nos.19115 of 2018
and 20647 of 2019**

Shaskira Begaum ... Petitioner in W.P.No.16088/2022

Shaik Masthan Sahib ...Petitioner in W.P.No.16089/2022

Vs.

1. The Secretary to Government
Transport Department, Secretariat,
Fort St. George, Chennai 600 009.

2. The District Revenue Officer,
Collectorate, Thiruvallur District,
Thiruvallur.

3. The District Collector, Collectorate,
Thiruvallur District, Thiruvallur.

4. The Chief Engineer, Railways (Construction)
Egmore, Chennai 600 008.

..Respondents in both the petitions



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Prayer in W.P.No. 16088 of 2018: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of certiorarified Mandamus to call for the records of the 1st and 2nd respondent pertaining to Public Notice issued under Sub Section 2 of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997(Tamil Nadu Act 10 of 1999) in ROC No. 9627/2018/F1 dated 21.05.2018, published in English New Daily Indian Express Tamil Nadu Circulation on 27.05.2018 in so far as it relates to Serial No.32,33 of the impugned public notice and notice under Sub Section 1 of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) and published in Tamil Nadu Gazettee No. 242 part II Section 2, No.II(2) /TRA/385(e-1/2019 dated 31.05.2019 in so far it relates to land comprised in S.No.25/1B Part, Now sub Divided as No.25/1B2, measuring to an extent of 1450 Sq.meter, S.No.25/2 Part Now Sub Divided as No.25/2B measuring to an extent of 1400 sq.meter and quash the same as illegal, arbitrary and non est in law and consequently restrain the Respondents from interfering restrain the Respondents from interfering with the petitioner peaceful possession and enjoyment of the property.

Prayer in W.P.No. 16089 of 2018: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of certiorarified Mandamus to call for the records of the 1st and 2nd respondent pertaining to Public Notice issued under Sub Section 2 of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997(Tamil Nadu Act 10 of 1999) in ROC No. 9627/2018/F1 dated 21.05.2018, published in English New Daily Indian



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Express Tamil Nadu Circulation on 27.05.2018 in so far as it relates to Serial No.32,33 of the impugned public notice and notice under Sub Section 1 of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) and published in Tamil Nadu Gazettee No. 242 part II Section 2, No.II(2) /TRA/385(e-1/2019 dated 31.05.2019 in so far it relates to land comprised in S.No.25/1B Part, Now sub Divided as No.25/1B2, measuring to an extent of 1450 Sq.meter, S.No.25/2 Part Now Sub Divided as No.25/2B measuring to an extent of 1400 sq.meter and quash the same as illegal, arbitrary and non est in law and consequently restrain the Respondents from interfering restrain the Respondents from interfering with the petitioner peaceful possession and enjoyment of the property.

(In both the petitions)

For Petitioner : Mr. G. Dinesh Kumar

For Respondents 1 and 3 : Mr.V. Manoharan
Additional Government Pleader

For Respondent 4 : M/s.P.T.Ram Kumar

ORDER

The issue arises in both the writ petitions are one and the same and both the writ petitions are disposed of by way of a common order.

2. The present petitions have been filed questioning the notice issued u/s 3 (1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 with reference to the lands of the petitioner and to quash the same as illegal, arbitrary and non est in law.



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3. It is the case of the petitioner that the petitioners are the absolute owner of the subject land and to acquire the subject land the first and second Respondents has published public notice on 27.05.2018 in English New Daily Indian Express under Sub Section 2 of Section 3 of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter mentioned as Act 10 of 1999) inviting objections from the owners of the land for acquisition of lands for the purpose of setting up new broad gauge railway line. The grievance of the petitioners is that the impugned notice has been issued under Act 10 of 1999 for setting up new Broad gauge railway line which does not fall within the ambit of definition Industrial purpose as defined under Section 2(e) of Act. Hence the petition.

4. When the matter is taken up for hearing, learned Additional Government Pleader appearing for the respondents submits that in furtherance to the notice under Section 3(2) further notice under Section 3(1) of the Act has been issued and without challenging the notice issued u/s 3(1), the present writ petition challenging the notice issued under section 3(2) of the Act is not sustainable. It is the further submission of the learned Additional Government pleader that in view of the enactment of the RFCTLARR Act, 2013 the



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petitioners would be entitled to compensation under Act 30 of 2013.

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5. In view of the fair stand taken by the petitioners notice u/s 3(1) having been issued and the petitioners have not challenged the said notice, but has merely challenged the notice u/s 3 (2) of the Act, 2013, the present petition is not maintainable. Accordingly, these writ petitions are dismissed and liberty is granted to the petitioners to proceed in accordance with law insofar as challenging the notification issued u/s 3(1) of the Act, if so advised.

6. Accordingly, these writ petitions are closed. No costs. Consequently connected miscellaneous petitions are closed.

12.09.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

M.DHANDAPANI,J.



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