

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.42035 OF 2016

D.Kumar

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Industries (MID.1) Department,
Secretariat,
Fort St.George,
Chennai 600 009.
2. The District Collector,
Thiruvallur District,
Thiruvallur 602 001.
3. The Special Tahsildar,
Land Acquisition, Aromatic Complex-CPCL,
62/1, East Jones Road, Saidapet,
Chennai 600 015.
4. The Revenue Divisional Officer,
Ambatur, Chennai 600 053.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records ending with letter No.5236/MID.1/2015 dated 03.05.2016 of the first respondent and quash the same and direct the respondents to consider the petitioner's representation dated 24.11.2015 and pass appropriate orders regarding allotment of alternate site either in Survey Nos.188/2, 188/3, 188/7B, 188/8B, 188/9B, 188/10, 188/11 and 188/12 totaling to about 5.15 acres in Mathur Village or in Survey Nos.129, 131, 132 and 137 totaling to about 3 acres out of 27.06 acres in Mathur Village or any other place to an extent of one acre of land for the petitioner to set up his small scale unit.

For Petitioner : M/s.S.D.S.Phillip
For Respondents : Mr.P.Sathish
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus to call for the entire records ending with letter No.5236/MID.1/2015 dated 03.05.2016 of the first respondent and quash the same and direct the respondents to consider the petitioner's representation dated 24.11.2015 and pass appropriate orders regarding allotment of alternate site either in Survey Nos.188/2, 188/3, 188/7B, 188/8B, 188/9B, 188/10, 188/11 and 188/12 totaling to about 5.15 acres in Mathur Village or in Survey Nos.129, 131, 132 and 137 totaling to about 3 acres out of 27.06 acres in Mathur Village or any other place to an extent of one acre of land for the petitioner to set up his small scale unit.

2. The case of the petitioner is that the petitioner is running a business in the name and style of M/s.D.Kalimuthu Enterprises, situated at No.24, Perumal Koil Street, Ammullaivayal, Chennai. The petitioner's business is making wooden cell rolls and also making wooden furniture in which they are experts, having learnt the art from their ancestors and it is passed on from generations to generations. In the year 1992, the petitioner's property at Kosappur Village in Survey No.278, of an extent of 2.76 acres and Survey No.37/5, of an extent of 0.06 acres, and in Ammullaivayal Village in Survey No.37/6 of an extent of 0.285 acres, totaling to 3.105 acres of land was acquired by the respondents for the benefit of Chennai Petroleum Corporation Limited (CCPL) to make out an Aromatic Complex. Pursuant to the acquisition of said land, by G.O.Ms.No.563, Industries Department dated 26.10.1992, several small scale industries were given alternative lands to put up their industries. Subsequently, the award was passed and the compensation amount was paid to the petitioner, and further the alternative site was allotted in favour of the petitioner's family members. Thereafter, the petitioner made representation dated 21.05.2012 before the second respondent, requesting for alternative allotment of site to run small scale industry, which was available in Survey No.92/3A of Mathur Village. As the said representation was not considered by the respondents, the petitioner filed Writ Petition in W.P.No.20383 of 2014 before this Court, seeking to consider his representation dated 21.05.2012 and by order dated 18.08.2014, this Court directed the respondents to consider his representation within four

months. However, the third respondent by his letter dated 29.10.2014 rejected the petitioner's request and therefore, the petitioner was constrained to file another Writ Petition in W.P.No.8096 of 2015 before this Court seeking to quash the order dated 29.10.2014 and to consider his representation and allot alternative land for his small scale business and this Court by order dated 29.10.2015 directed the petitioner to submit fresh representation with all necessary documents to the first respondent. Accordingly, the petitioner made representation before the first respondent on 24.11.2015, and submitted all the necessary documents before the first respondent. Thereafter, the first respondent rejected the said representation on the ground that already the alternative land was given to the family members of the petitioner and as per the G.O.Ms.No.563, Industries Department, dated 26.10.1992, the petitioner is not entitled for the alternative package. Aggrieved by the same, the petitioner has filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that on earlier occasion, the petitioner made representation to receive compensation in terms of G.O.Ms.No.563, Industries Department, dated 26.10.1992, and he further submitted that it would suffice, if this Court issues direction to the first respondent to consider the petitioner's representation dated 24.11.2015 and pass orders on the same within a particular time frame that may be fixed by this Court. The contention of the petitioner is that the alternative sites were given to the petitioner's brother and father, only for residential purposes and not for running business. Hence, he prays for allowing this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents submitted that the compensation has been paid for the lands acquired from the petitioner. Further, he submitted that the petitioner was running small scale industry in the Government Poramboke land, for which the petitioner is not eligible for alternative site. However, the alternative site was given to his brother and father, hence the petitioner cannot be considered as a similarly placed to that of other small scale units which were allotted alternative sites in G.O.Ms.No.563 Industries Department, dated 26.10.1992. Hence, he prays for dismissal of the Writ Petition.

5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court permits the petitioner to file fresh application undertaking to pay the entire land cost, without availing any

package cost system as ordered in the earlier occasion, the learned counsel for the petitioner submitted that the petitioner does not want any benefit in the package, and if any vacant land is available, the same may be allotted to him for running the small scale units and the petitioner is ready to pay the entire land cost.

7. In view of the fair submissions made by the learned counsel on both sides, this Court, without interfering with the order under challenge, grants liberty to the petitioner to file fresh application under General Quota before the respondents within a period of two weeks from the date of receipt of a copy of this order, if such application is filed, the respondents are directed to consider the same on merits and pass appropriate orders within a period of twelve weeks thereafter.

8. With the above observation and directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Industries (MID.1) Department,
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2. The District Collector,
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4. The Revenue Divisional Officer,
Ambatur, Chennai 600 053.

+1cc to M/s.S.D.S.Phillip, Advocate, S.R.No.34069

W.P.No.42035 of 2016

JPL(CO)
RLP(18/07/2022)