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W.P.No.4820 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4820 of 2014
and M.P.No.2 of 2014

Sathish Babu

..Petitioner

Vs.

1.The Government of Tamil Nadu,
rep.by its Secretary,
Industries Department,
Fort St.George, Chennai 600 009.

2.The District Collector,
Kanchipuram District.

3.The Special Tahsildar,
SIPCOT-Oragadam,
Extension Scheme,
Sriperampudur Taluk,
Kanchipuram District.

4.M/s.SIPCOT,
rep.by its Managing Director,
19-A, Rukmani Lakshmipathi Salai,
Chennai.

...Respondents

Prayer:Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the Proceedings in G.O.Ms.No.177 Industries Department (SIPCOT-



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LA) Number II (2)/ IND/ 360(C-1/2007 dated 4.7.2007 issued by the 1st respondent quash the same in so far as it pertains to the property of the petitioner situate in survey NO. 61/6B 61/6C and 61/5, Oragadam Village, Sriperampudur Taluk, Kancheepuram District and consequently quash the proceedings in Na.Ka.No. 02/2014 dated 2.1.2014 issued by the 3rd respondent.

For Petitioner : Mr.R.Subramanian

For Rr1 and 2 : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This petition has been filed for issuance of writ of Certiorari to call for the records pertaining to the Proceedings in G.O.Ms.No.177, issued by the 1st respondent and quash the same in so far as it pertains to the property of the petitioner and consequently quash the proceedings in Na.Ka.No. 02/2014 dated 2.1.2014 issued by the 3rd respondent.

2. The petitioner is the owner of the lands measuring area of 64 cents situate in S.F.No.61/6B, land measuring an area of 32 cents in S.F.No.61/6C and land measuring an area of 56 cents in S.F.No.61/5, situated in Oragadam Village, Sriperampudur Taluk, Kancheepuram District. Originally the said lands were owned by one Mr.Chinnappan,



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who had four brothers, viz, Ramachandran, Arumugam, Arjunan and Appavu and the said Chinnappan had partitioned these lands equally among the brothers under a registered partition deed and thereby 22.50 acres came to the possession and enjoyment of one of his brother Arjunan and the said Arjunan got married to one Jayammal and they did not have any issues and thereafter on the death of Arjunan, these lands came to be owned by his only legal heir Jayammal, who settled 1.95 acres out of these properties in favour of the petitioner and the petitioner also purchased 32 cents under S.F.No.61/6B and area measuring an extent of 32 cents under S.F. No.61/6C and necessary mutations have also been effected in the revenue records. While being so, the Government of Tamil Nadu has initiated proceedings under Tamil Nadu Acquisition of Lands under Industrial Purposes Act, 1997 (TN Act 10 of 1999) and issued notices required under Section 3(2) of the Act to Chinnappan, in respect of the lands situate in S.F.No.61/6A and 6C, 61/12, 13 and 14 and it is alleged by the petitioner that he did not receive any notice in respect of his land under Section 3(2) of the Act nor the Gazette notification. During 2013, some person stating to be



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representing SICOT, visited the petitioner's site and directed him to handover the land and hence, the petitioner immediately sent a letter on 07.12.2013 and in reply, the 3rd respondent vide his communication dated 01.01.2014 informed the petitioner that the lands falling under the S.F.Nos.61/6A, 6B and 6C measuring an area of 1.68 acres have been acquired after giving notice to the petitioner and one Chinnappan under Section 3(2) of the Act and further stated that the compensation payable had also been determined by the respondents under Section 7(3) of the Act. However it is the claim of the petitioner that he has neither received any award nor received any compensation and he also explained the said facts to the 3rd respondent by his letter dated 19.01.2014 and requested to sent the copies of the purported notices, however so far the respondents had not furnished the same to the petitioner and thereafter the petitioner on his own efforts and enquiries, had obtained the copy of the gazette notification in January 2014 and filed the present writ petition challenging the acquisition proceedings.



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3. The learned counsel appearing for the petitioner submitted that admittedly the petitioner's grandfather is the said Arjunan and he derived the title of the property through his mother. Though there was a partition among the brother of Chinnappan, after partition, the petitioner's grandfather acquired some portion of property and the petitioner in turn acquired the properties from other legal heirs. While so, the respondents has initiated acquisition proceedings and issued 3(1) notification in respect of S.F.NOs.61/6B, in the name of the petitioner, however no notice was issued in the name of the petitioner in respect of S.F.Nos.61/5, 61/6A and 61/6C and without issuing notice to the appropriate persons, the entire acquisition proceedings initiated in respect of dead person is not sustainable and till date the possession has not been taken and prays for allowing of this petition.

4. *Per contra*, learned Government Advocate appearing for the respondents submitted that it is true that initially 3(1) notification was issued in the name of three persons namely Ramachandran, Chinnappan and the petitioner and admittedly the petitioner was also issued with 3(2)



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and the said notice was issued on 02.02.2007 and the same was received by the petitioner on 07.02.2007, however he did not made objection at the relevant point of time and further the petitioner also annexed all the 3(2) notices issues in respect of survey numbers in question in his typed set of papers and inspite of that, he has not taken any steps to file objections before the Land Acquisition Officer and failed to bring to their knowledge about the issuance of notice to the dead persons and therefore, in the absence of any objections, the Land Acquisition Officer has proceeded and concluded the land acquisition proceedings by issuing 3(1) notification on 04.07.2007 and thereafter the award was passed in Award Nos.21 and 22/2007, dated 10.02.2011 and further the petitioner has filed the writ petition after a lapse of three years is not sustainable one and further infact on an earlier occasion, the petitioner made representation on 18.12.2013 for exclusion of his lands from the acquisition proceedings, however the said representation was rejected on 02.01.2014 and thereafter, the petitioner has approached this Court by way of this writ petition, which is not sustainable and prays for dismissal of this petition on the ground of delay and latches.



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5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. Facts in the present case is not in dispute. Admittedly the petitioner claims to be the owner of the property measuring an extent of 64 cents situate in S.F.No.61/6B, land measuring an area of 32 cents in S.F.No.61/6C and land measuring an area 56 cents in S.F.No.61/5. Initially 3(2) notice was issued to the petitioner and other persons on 02.02.2007, however the petitioner who has received notice in respect of S.F.NO.61/6B did not appear before the Land Acquisition Officer at the relevant point of time. Further it is the claim of the petitioner that in respect of S.F.Nos.61/6C and 61/5, the notice was published in the name of Chinnappan and Ramachandran and no notice has been issued on him. Though such being the claim, the petitioner has received notices in respect of all survey numbers in question, which was also annexed in the typed set of papers, however he did not made objections before the Land Acquisition Officer to enable him to proceed with the land acquisition



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proceedings and though it is alleged by the petitioner that objections has been placed to the appropriate authority, no proof in that regard has been placed before this Court. While so, the District Collector has conducted enquiry on 26.03.2007 and overruled the objections and issued 3(1) notification on 04.07.2007 and thereafter the award was passed in the year 2011. Further though the petitioner claims that the revenue records were mutated in favour of him, however except chitta no other revenue records were produced in the name of the petitioner and therefore, the official respondents proceeded the matter and issued notice to the land owners as per the revenue records, which cannot be found fault with. Furthermore, though the petitioner had knowledge about the land acquisition proceedings in the year 2007 itself, since he received 3(2) notice in respect of S.F.No.61/6B, the petitioner filed the present writ petition before this Court only in the year 2014 belatedly, after rejection of his objection for exclusion of his lands from the acquisition proceedings and the delay and laches has not been properly explained.



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7. For the aforesaid reasons, the prayer sought for by the petitioner cannot be granted. Accordingly, this writ petition is dismissed.

No costs. Consequently connected miscellaneous petition is closed.

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To

1.The District Collector,
Kanchipuram.

2.The Tahsildar,
Tambaram Taluk,
Tambaram Sanitorium,
Chennai 47.

3.The President,
Kottivakkam Panchayat,
Kottivakkam, Chennai 41.



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M.DHANDAPANI.,J.

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