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W.P.No.18851 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.18851 of 2022 and
W.M.P.No.18199 of 2022

G.Iniyan Kumar

.. Petitioner

VS

1. The Managing Director
Tamil Nadir 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 Office
Tiruvallur District
Collectorate Campus, Tiruvallur HO
Tiruvallur – 602 001.

4. The Special Tahsildar (Land Acquisition)
TIDCO PetroChem Park
Multi Modal Logistic Park Scheme(P)
Egmore, Chennai – 600 008.

5. The Commissioner of Land Administration
Chepauk, Chennai- 600 005.

.. Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records in pursuant to the rejection order issued by the first respondent vide letter No.LA/MMLP/2021 dated 19.08.2021, the consequential Notification dated 29.11.2021 published in the Tamil Nadu Government Official Gazette under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the decree passed by the fourth respondent vide No.2/2022 in Na.Ka.No.01/2022 dated 06.06.2022 and quash all of them with a consequential direction to the third respondent to dispose of the objections dated 12.07.2021 and 12.04.2022 submitted by the petitioner and his mother within a stipulated time.

For Petitioners : Mr.T.P.Prabakaran

For Respondents : Mr.M.Vijayan
for Ms.King & Partridge
for respondent 1

Mr.P.Sathish
Additional Government Pleader
for respondents 2 to 5

ORDER

Prayer sought for herein is for a Writ of Certiorarified Mandamus, calling for the entire records in pursuant to the rejection order issued by the first respondent vide letter No.LA/MMLP/2021 dated 19.08.2021, the consequential Notification dated 29.11.2021 published in the Tamil Nadu Government Official Gazette under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial



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Purposes Act, 1997 and the decree passed by the fourth respondent vide No.2/2022 in Na.Ka.No.01/2022 dated 06.06.2022 and quash all of them with a consequential direction to the third respondent to dispose of the objections dated 12.07.2021 and 12.04.2022 submitted by the petitioner and his mother within a stipulated time.

2. The petitioner's land at Survey No.1363/1 and 1363/2 at Mappedu village was sought to be acquired for industrial purposes under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (in short, "Act of 1997"). Under the provisions of the said Act, the power to acquire land is dealt with in Section 3, where, before issuing notification under Section 3(1), the acquisition authority shall call upon the owner or any other persons, who in the opinion of the Government may be interested in such land, to show cause within such time as may be specified in the notice as to why the land should be acquired.

3. Such an enquiry, after issuing notice, should have been conducted under Section 3(2) of the Act and in this regard, when such a notice was issued, according to Mr.T.P.Prabakaran, learned counsel appearing for the petitioner, though an objection has been given as a reply to the show cause notice, the same



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has not been considered by the acquisition authority, i.e., the respondents 2 to 4.

But, it has been rejected only by the first respondent, who is the requisition authority through the order dated 19.08.2021. Therefore, the said order is under challenge in the present writ petition with the aforesaid prayer and to consequentially seek for quashment of the notification issued under Section 3(1) of the Act of 1997.

4. Reiterating the aforesaid, Mr.T.P.Prabakaran, learned counsel appearing for the petitioner submits that pursuant to the notification issued under Section 3(2) of the Act of 1997 dated 29.06.2021, the petitioner had given an objection on 12.07.2021. However, the same since has not been considered and the rejection order now is made by the first respondent dated 19.08.2021, which is impugned herein, who is a requisition authority, cannot be considered as a consideration and rejection made by the acquisition authority within the meaning of Section 3(2) of the Act of 1997 and therefore, mainly on that ground, the petitioner has chosen to challenge the present impugned order and the notification also issued in this regard under Section 3(2) of the Act of 1997.

5. On the other hand, Mr.P.Sathish, learned Additional Government Pleader



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appearing for the respondents 2 to 5, as well as Mr.M.Vijayan, learned Standing

WEB COUNSEL appearing for the first respondent, would submit that, insofar as the objection given by the petitioner to the notification issued under Section 3(2) of the Act of 1997 is concerned, that was considered and having been considered the same, it was rejected by the first respondent i.e., the acquisition authority, but, the fifth respondent, who passed the order on 23.11.2021 under Section 3(3) of the Act of 1997.

6. Relying upon the said order dated 23.11.2021, the learned counsel appearing for the respondents has relied upon the objection raised by the petitioner and the reason given by the respondents in rejecting such objections where, it is said that the objections raised by the petitioner having been considered was rejected because, if the land proposed to be acquired, also with other lands, are acquired, where, industrial development would be taken place by which direct and indirect employment opportunities would be created even for local people. Therefore, on that ground, the objections raised by the petitioner have been rejected. Therefore, the ground urged by the petitioner that the objection has not been considered in Section 3(2) enquiry and no consideration since has been shown by the acquisition authorities on that ground, the impugned order passed by



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the first respondent as well as the notification issued under the Section 3(1) of the Act of 1997 by the acquisition authority is infirm in law cannot be countenanced, he contended.

7. I have considered the said submissions made by learned counsel appearing for parties and perused the materials placed before this Court.

8. The only objection or the only ground now urged by the learned counsel appearing for the petitioner to challenge the order dated 19.08.2021 ordered by the first respondent as well as the notification issued under Section 3(1) by the acquisition authority is concerned, pursuant to the notice under Section 3(2), when objection was given, the same was not considered or if at all it was considered and rejected through the impugned order dated 19.08.2021, that was made only by the requisition authority viz., the first respondent, who is not empowered to reject the objection made by the petitioner pursuant to the notice under Section 3(2) and should have been considered and decided only by the requisition authority, which according to the learned counsel appearing for the petitioner since has not conducted or made, the impugned proceedings would not stand in the legal scrutiny.



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9. However, the fact remains that it is only the first respondent, who is the requisition authority, who rejected the objection given by the petitioner and communicated the same to the petitioner through the impugned order dated 19.08.2021, also the other respondents who is the acquisition authority, have considered the same, rejecting the said objection made by the petitioner.

10. In this regard, the order passed by the fifth respondent dated 23.11.2021 is dealt with separately. The objection given by various land owners like the petitioners and why that has been considered and rejected by the fifth respondent has been stated in the said proceedings. Therefore, the said reasons now stated by the petitioner side i.e., the objections has not been considered and decided by the acquisition authority cannot be accepted.

11. However, Mr.T.P.Prabakaran, learned counsel appearing for the petitioner, at this stage, submits that the said proceedings issued by the fifth respondent dated 23.11.2021 has not been even furnished to the petitioner.

12. Though it was contended by the learned Additional Government Pleader



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appearing for the respondents 2 to 5 that, it has been dispatched or sent to the petitioner, in order to give quietus to the issue, this Court feels that a copy of the proceedings dated 23.11.2021 will be given to the learned counsel appearing for the petitioner by the learned Additional Government Pleader in the course of the day. On receipt of the same, it is open to the petitioner to work out his remedy in the manner known to law.

13. In view of the aforesaid, the ground urged by the petitioner challenging the impugned proceedings since would not stand in the legal scrutiny, this Court feels that the writ petition fails, hence, it is liable to be dismissed accordingly, it is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index: Yes/No
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R. SURESH KUMAR, J.

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