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W.P.No.27124 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27124 of 2022

Syed Usman

... Petitioner

Vs.

- 1.The Special Tahsildhar
(Land Acquisition)
SIPCOT, TACID Division,
Oragadam Scheme,
Irungattukottai,
Sriperumbudur Taluk,
Chennai – 602 105.
- 2.The Secretary to Government
Industries Department,
Secretariate,
Fort St.George,
Chennai – 600 009.
- 3.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathi Salai,
Egmore,
Chennai – 600 008.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus directing the respondents to consider the



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petitioner's representation 08.06.2022 and to drop any possible proposal of acquisition of the land in Survey No.83/2 measuring 3600 Square Feets, situated at No.34, Ekkatur Village in Chengalpet District, pursuant to the notice dated 24.03.2004.

For Petitioner : M/s.Shobana Ramasubramanyan
For Respondents : Mr.B.Vijay
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation 08.06.2022 and to drop any possible proposal of acquisition of the land in Survey No.83/2 measuring 3600 sq.ft., situated at No.34, Ekkatur Village in Chengalpet District, pursuant to the notice dated 24.03.2004.

2.The case of the petitioner is that the petitioner is the bonafide purchaser of the land in Survey No.83/2 measuring 3600 sq.ft., situated at No.34, Ekkatur Village in Chengalpet District, having purchased the same under Sale Deed dated 30.03.1992 registered as Document No.616/1992 in the office of the Sub - Registrar, Thiruporur. The second respondent sought to acquire 84 acres of



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land, including the petitioner's land, in Ekkatur Village for industrial purpose and issued the impugned notice to the erstwhile owner.

3.The further case of the petitioner is that challenging the impugned notice under Section 3 (2) of the Act, some of the land owners filed writ petitions before this Court and this Court quashed the impugned proceedings. Challenging the same, the State preferred W.A.No.246 of 2008 as against W.P.No.27578 of 2004 and the Hon'ble Division Bench of this Court dismissed the said appeal and confirmed the order passed by the learned Single Judge. Since the petitioner was busy with the day to day activities, he was not aware of the acquisition proceedings. Thereafter, the petitioner made representation to the respondents seeking to drop the acquisition proceedings and since the same was not considered has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the respondents to consider the petitioner's representation 08.06.2022 and to pass appropriate orders, within a reasonable timeframe.



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5.Per contra, the learned Additional Government Pleader submitted that though there is earlier round of litigation, till date no individual has challenged the acquisition proceedings and further submitted that pursuant to the notice under Section 3 (2) of the Act, notification under Section 3 (1) of the Act was issued on 27.07.2004 and thereafter notice under Section 7 (2) of the Act was issued on 12.07.2006 and award was passed on 27.07.2006. Without challenging the acquisition proceedings, making representation for dropping the acquisition proceedings is not sustainable one. He further submitted that there is no provision available in the Act for dropping the acquisition made for industrial purpose.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The facts in the present case is not in dispute. The impugned notice under Section 3 (2) of the Act was issued on 24.03.2004. Thereafter, notice under Section 3 (1) of the Act was issued on 27.07.2004 and thereafter notice under Section 7 (2) of the Act was issued on 12.07.2006 and award was passed on 27.07.2006. As rightly pointed out by the learned Additional Government Pleader,



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without challenging the acquisition proceedings, making representation for dropping the acquisition proceedings is not sustainable one. Hence, the prayer sought for in this writ petition cannot be considered.

8.The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs.

12.10.2022

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

To

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M.DHANDAPANI,J.
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