



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

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THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.Nos.18341 to 18344 of 2017

and

WMP.Nos.19913 to 19920 of 2017

WP.No.18341 of 2017

Lalitha Venkateshkumar

... Petitioner

Vs

1.The State of Tamilnadu rep. by its
Principal Secretary to Government,
Industries Department,
St.George Fort, Chennai 600 009

2.The State Industries Promotion Corporation
of Tamilnadu (SIPCOT) rep. by its
Chairman and Managing Director,
No.19A, Rukmani Lakshmipathi Salai,
Chennai 600 008

3.The District Collector,
Kancheepuram District,
Kancheepuram

4.The District Revenue Officer,
Kancheepuram District,
Collector's Office Compound,
Kancheepuram

5.The Special Tahsildhar(L.A.),
SIPCOT - Sriperumbudur Scheme,
Irungattukottai, Sriperumbudur Tk.,
Kancheepuram District

... Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records comprised in GO.Ms.No.24, Industries (MIG-2) Department dated 17.03.2017 and the consequential proceeding No.38239/05 dated 05.06.2017 initiated



in terms of the provisions of Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 and to quash the same and consequently forbear the respondents from proceeding any further pursuant to the said GO in respect of the lands of the petitioner comprised in survey No.449B/5, of Pondur 'C' Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.B.Jawahar

For Respondents

For R1,3,4 & 5 : Mr.G.Krishna Raja,
Additional Government Pleader

WP.No.18342 of 2017

Lakshmi Murali

...Petitioner

Vs

1.The State of Tamilnadu rep. by its
Principal Secretary to Government,
Industries Department,
St.George Fort, Chennai 600 009

2.The State Industries Promotion Corporation
of Tamilnadu (SIPCOT) rep. by its
Chairman and Managing Director,
No.19A, Rukmani Lakshmipathi Salai,
Chennai 600 008

3.The District Collector,
Kancheepuram District,
Kancheepuram

4.The District Revenue Officer,
Kancheepuram District,
Collector's Office Compound,
Kancheepuram

5.The Special Tahsildhar(L.A.),
SIPCOT - Sriperumbudur Scheme,
Irungattukottai, Sriperumbudur Tk.,
Kancheepuram District

... Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records comprised in GO.Ms.No.24, Industries (MIG-2) Department dated 17.03.2017 and the



consequential proceeding No.38239/05 dated 05.06.2017 initiated in terms of the provisions of Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 and to quash the same and consequently forbear the respondents from proceeding any further pursuant to the said GO in respect of the lands of the petitioner comprised in survey No.449B/7, of Pondur 'C' Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.B.Jawahar

For Respondents

For R1,3,4 & 5 : Mr.G.Krishna Raja,
Additional Government Pleader

WP.No.18343 of 2017

Shanthi Srinivasan ... Petitioner
Vs

1.The State of Tamilnadu rep. by its
Principal Secretary to Government,
Industries Department,
St.George Fort, Chennai 600 009

2.The State Industries Promotion Corporation
of Tamilnadu (SIPCOT) rep. by its
Chairman and Managing Director,
No.19A, Rukmani Lakshmipathi Salai,
Chennai 600 008

3.The District Collector,
Kancheepuram District,
Kancheepuram

4.The District Revenue Officer,
Kancheepuram District,
Collector's Office Compound,
Kancheepuram

5.The Special Tahsildhar(L.A.),
SIPCOT - Sriperumbudur Scheme,
Irungattukottai, Sriperumbudur Tk.,
Kancheepuram District

... Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records comprised in GO.Ms.No.24,



Industries (MIG-2) Department dated 17.03.2017 and the consequential proceeding Rc:38239/05 dated 05.06.2017 initiated in terms of the provisions of Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 and to quash the same and consequently forbear the respondents from proceeding any further pursuant to the said GO in respect of the lands of the petitioner comprised in survey No.449B/4, of Pondur 'C' Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.B.Jawahar

For Respondents

For R1,3,4 & 5 : Mr.G.Krishna Raja,
Additional Government Pleader

WP.No.18344 of 2017

Rukmini Venkataramani

...Petitioner

Vs

1.The State of Tamilnadu rep. by its
Principal Secretary to Government,
Industries Department,
St.George Fort, Chennai 600 009

2.The State Industries Promotion Corporation
of Tamilnadu (SIPCOT) rep. by its
Chairman and Managing Director,
No.19A, Rukmani Lakshmipathi Salai,
Chennai 600 008

3.The District Collector,
Kancheepuram District,
Kancheepuram

4.The District Revenue Officer,
Kancheepuram District,
Collector's Office Compound,
Kancheepuram

5.The Special Tahsildhar(L.A.),
SIPCOT - Sriperumbudur Scheme,
Irungattukottai, Sriperumbudur Tk.,
Kancheepuram District

... Respondents

Prayer :-

Writ Petition is filed under Article 226 of the



Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records comprised in GO.Ms.No.24, Industries (MIG-2) Department dated 17.03.2017 and the consequential proceeding Rc:38239/05 dated 05.06.2017 initiated in terms of the provisions of Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 and to quash the same and consequently forbear the respondents from proceeding any further pursuant to the said GO in respect of the lands of the petitioner comprised in survey No.449B/6B, of Pondur 'C' Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.B.Jawahar

For Respondents

For R1,3,4 & 5 : Mr.G.Krishna Raja,
Additional Government Pleader

COMMON ORDER

The writ petitions are filed to issue a Writ of Certiorarified Mandamus calling for the records comprised in GO.Ms.No.24, Industries (MIG-2) Department dated 17.03.2017 and the consequential proceeding No.38239/05 dated 05.06.2017 initiated in terms of the provisions of Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 and to quash the same and consequently forbear the respondents from proceeding any further pursuant to the said GO in respect of the lands of the petitioners comprised in survey Nos.449B/5, 449B/7, 449B/4 & 449B/6B of Pondur 'C' Village, Sriperumbudur Taluk, Kancheepuram District.

2. The petitioners have purchased their respective lands comprised in survey Nos.449/B and 580/1 situated at Pondur 'C' Village for establishment of a small scale industry to manufacture plastic companies by injection moulding and moulds and tools manufacturing centre by the registered sale deed dated 13.07.1998 registered vide document No.3284 of 1998. At the time of their purchase, the second respondent had already handed over the land comprised in survey Nos.284, 285 and 293 touching their land in favour of M/s.Nokia. Thereafter, they had completed the construction of compound wall with two entries facing Vallakottai Road and started its production. However, the construction of their factory was delayed due to proposed widening of the Valakottai Road by Highways Department. While being so, by the show cause notice dated 21.03.2007 under Form A issued under Section 3(2) of the Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter called as 'the



Act') and called upon the petitioners for their objections to the proposed acquisition. On enquiry, it was informed that M/s.Nokia had observed the lands facing east are not having frontage with the State Highways i.e. Singaperumal Koil Road and they have requested the second respondent to acquire small stretch of patta lands admeasuring 3.90 acres comprised in survey Nos.449B and 580. Accordingly, it was decided by the authorities to acquire their patta lands to facilitate contiguity and compactness of the scheme. However, the petitioners raised objections and requested to release their lands on 04.04.2007. The third respondent conducted enquiry on 27.08.2007 and forwarded the same to the second respondent for their remarks. However, no orders was passed on their objections. In the meanwhile, M/s.Nokia stopped their production activities. In the meanwhile by the order dated 05.06.2017, the third respondent called upon the petitioners to surrender the subject lands within a period of thirty days from the date of receipt of the said notice. It was issued under Section 4 (2) of the Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 in consequence to the notice issued under Section 3 (1) dated 17.03.2017. Therefore, the petitioners have challenged the same in the present writ petitions.

3. Mr.B.Jawahar, the learned counsel for the petitioners would submit that the notification issued under Section 3(1) of the Act dated 17.03.2017 was issued without issuance of show cause notice as contemplated under Section 3(2) of the Act. The petitioners were not provided opportunity to raise their objections and it is violation of the principles of natural justice. The respondents omitted the adjacent similar lands by granting exemption from the acquisition and insisted to acquire the petitioners' land alone. It would amount to treating equals as unequal and renders the entire acquisition proceedings as arbitrary and colourable exercise of power. The petitioners have raised objections as early as on 04.04.2007 and specifically contended that there are two exit gates already available to M/s.Nokia to access Singaperumal Koil Road. The large extent of acquired land just adjacent to the northern exit gate facing Singaperumal Koil Street was released from acquisition and handed over to one, M/s.Premier Property Development Private Limited and Associates for development. That apart, the said M/s.Nokia had stopped their industrial activities before proceeding with the acquisition.

4. The fifth respondent filed counter, which revealed that after purchase of the subject lands, the petitioners did not utilise the same for any purpose and the said lands were



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lying vacant without any activity for small scale industries i.e. to manufacture plastic companies by injection, moulding and moulds and tools manufacturing. The said lands were required for having an access road with Sriperumbudur to Singaperumal Koil Road to the lands already acquired by SIPCOT for Pondur 'C' Village which would also be the contiguity land of the Sriperumbudur Industrial Complex area. The Government vide GO.Ms.No.116 Industries (MIG-II) Department dated 20.09.2006 had accorded administrative sanction for the acquisition of 1.58.0 hectares of patta lands comprised in survey Nos.449/B and 580 of Pondur 'C' Village, Sriperumbudur Taluk, Kancheepuram District under the provisions of the Act in favour of the second respondent. Accordingly, Form 'A' notices under Section 3(2) of the Act were duly served by registered post to the land owners in Form 'A' and the notice in Form 'B' also sent to the land owners on 22.03.2007 thereby calling for the objections from the land owners. Some of the land owners raised their objections and the objections were referred to the third respondent. The third respondent conducted enquiry and referred to the requisition body for offering their remarks. On 27.08.2007, enquiry was conducted. The subject lands are proposed for acquisition only to have a frontage with Sriperumbudur to Singaperumal Koil Road to the lands already acquired by the second respondent for setting up of SIPCOT Complex.

5. Heard, Mr.B.Jawahar, the learned counsel for the petitioners and Mr.G.Krishna Raja, Additional Government Pleader appearing for respondents 1, 3, 4 & 5.

6. On perusal of GO.Ms.No.116 Industries (MIG-II) Department dated 20.09.2006, revealed that the Government had accorded administrative sanction for the acquisition of 1.58 .0 hectares of patta lands comprised in survey no.449/B and 580 situated at Pondur 'C' Village, Sriperumbudur Taluk, Kancheepuram District under the provisions of the Act. Further revealed that the Government have entered memorandum of understanding with company called M/s.Nokia for setting up of their manufacturing unit in Sriperumbudur and the SIPCOT has allotted about 210 acres in the acquired lands. During the site visit, the said Company observed that the lands facing east are not having frontage with the State Highways i.e. Singaperumal Koil Road and hence they have requested the second respondent that a small stretch of patta lands to an extent of 3.90 acres comprised in survey No.449/B and 580 of Pondur 'C' Village can also be acquired and allotted to them. It would also facilitate contiguity and compactness of the scheme. Subsequent to the sanction, notification under Section 3(2) of the Act was issued



on 21.03.2007 in Form 'A' thereby called upon the petitioners to submit their objections. On receipt of the same, they had submitted their objections on 04.04.2007. On perusal of the objections, revealed that the second respondent had already handed over the land comprised in survey Nos.284, 285 and 293 touching their lands to M/s.Nokia and in fact, they had completed the compound wall and provided a gate for their company on the side of the petitioners' lands. The petitioners could not able to start their factory, as Highways proposed to widen the road on either side. Accordingly, they acquired about 60 feet from their lands and only 38 feet width will be left for the petitioners' usage. However, objections were not considered and no order had been passed by the third respondent. Even before issuance of impugned notice under Section 4(2) of the Act dated 05.06.2017, the petitioners obtained information under Right to Information Act, which revealed that an extent of 1.47 hectares in old survey No.1562A/1A part in Sriperumbudur Village is covered in the land allotted to M/s.Nokia India Limited and to an extent of 1.515 hectare comprised in survey no.1562A part has been handed over to M/s.Premier Property Developments Private Limited and Associated as per GO dated 04.06.2010.

7. On perusal of the sketch produced by the petitioners, revealed that the property comprised in S.No.1560 which was exempted from acquisition and handed over to M/s.Premier Property Development Private Limited, is adjacent to the Main Road and it has access to reach the Company M/s.Nokia. It has got 1200 feet frontage adjacent to the Sriperumbudur to Singaperumal Koil Road. However, the said land was excluded from the acquisition and returned back to M/s.Premier Property Development Private Limited. That apart, M/s.Nokia Company had two pathways to reach Sriperumbudur to Singaperumal Koil Road. However, after period of 10 years, now the respondents initiated the impugned acquisition proceedings against the petitioners' lands.

8. Initially, the proposal under Section 3(1) of the Act was sent to the Government through Commissioner of Land Administration in survey Nos.449B and 580 admeasuring 1.58.0 hectares situated at Pondur 'C' Village, Kancheepuram District for formation of frontage to access road from SIPCOT complex to the Singaperumal Koil to Sriperumbudur Road as per administrative sanction in GO.Ms.No.116 Industries (MIG 2) Department dated 20.09.2006. The report was sent by the Government for exemption from acquisition to an extent of 0.47.0 hectares of lands of F.Shiloh Vijayakumar and others in respect of the property comprised in survey No.449B part vide third



respondent's proceedings RC.No.38239/2005FM dated 06.09.2012. Therefore, the Government had directed the third respondent to send proposal under Section 3(1) of the Act afresh after deleting the said lands for the said extent of 0.47.0 hectares and after deducting the said extent, for the remaining extent admeasuring 1.11.0 hectares, now the fresh proposal under Section 3(1) of the Act has been sent and accordingly administrative sanction was granted. Therefore, the respondents to their convenience, exempted some of the lands and proposed to acquire the petitioners' lands. That apart, now the Company M/s.Nokia had stopped its production and closed its entire activities.

9. In view of the above, all the writ petitions are allowed and the GO.Ms.No.24, Industries (MIG-2) Department dated 17.03.2017 and the consequential proceeding No.38239/05 dated 05.06.2017 initiated in terms of the provisions of Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 are quashed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.Principal Secretary to Government,
Industries Department,
St.George Fort, Chennai 600 009
- 2.Chairman and Managing Director,
The State Industries Promotion Corporation
of Tamilnadu (SIPCOT),
No.19A, Rukmani Lakshmipathi Salai,
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5.The Special Tahsildhar(L.A.),
SIPCOT - Sriperumbudur Scheme,
Irungattukottai, Sriperumbudur Tk.,
Kancheepuram District.

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+4cc to M/s.Ameer D.Pandiya, Advocate SR.No.2653, 2654,2656, 2655
+1cc to the Government Pleader SR.No.3372

WP.Nos.18341 to 18344 of 2017

PL(CO)
GN(24/02/2022)