



W.P.(MD).Nos.2195 and 2196 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.07.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).Nos.2195 and 2196 of 2013

and

M.P(MD)Nos.1,2,2 and 3 of 2012

T.Sankaralingam

... Petitioner
(In W.P(MD)No.2195 of 2013)

1.M.Velayutham (Died)

2.V.Ponnammal

... Petitioners

3.Malliga

4.Munish

5.Thilagavathi

6.V.Nagarajan

7.V.Saravanan

... Proposed Petitioners
(In W.P(MD)No.2196 of 2013)

(Petitioners 3 to 7 are substituted as legal heirs of 1st petitioner vide Court order, dated 05.07.2022 in W.M.P(MD)No.10045 of 2022)

Vs.

1.The Secretary to Government,
Department of Industries,
St.George Fort,
Chennai.



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2.The Principal Secretary/Chairman and
Managing Director,
SIPCOT,
Egmore, Chennai.

3.The District Collector/Land Acquisition Officer,
Tuticorin District,
Tuticorin.

4.The District Revenue Officer,
Tuticorin District,
Tuticorin.

... Respondents
(In both cases)

PRAYER IN BOTH CASES : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the proceedings of the third respondent in pursuance of Impugned Notice dated 29.08.2011 in Na.Ka.E. 5/77171/09 and published in the 'Daily Thanthi' dated 06.01.2012 and quash the same.

For Petitioner : Mr.B.Rajesh Saravanan
(In both cases)

For Respondent : Mr.N.Muthu Vijayan
Special Government Pleader
for R1, R3 and R4
(In both cases)
Mr.N.Adithya Vijayalayan
for R2
(In both cases)



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ORDER

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The present Writ Petitions have been filed challenging the notice issued under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

2.Admittedly, this notice has been issued calling for objection from the land owners, who are having interest in such lands and to show cause, as to why their lands should not be acquired.

3.According to the learned counsel appearing for the petitioner, the Government was intending to conduct a mass enquiry, instead of considering the interest of the land owners. Hence, present writ petition has been filed.

4.However, the learned counsel appearing for the respondents/Authority submitted that individual notices have been addressed to the land owners and enquiry will be conducted separately for each one of the objectors. Hence, the apprehension expressed by the writ petitioner is not legally sustainable.



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5. In view of the above said discussion, the Writ Petitions

stand disposed of with the following orders:

(i) The respondents / Authorities are directed to strictly adhere to Rule 6 of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001, at the time of conducting enquiry/hearing of objection submitted by the land owners.

(ii) Thereafter, in case, Government proceeds to issue notice under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, the petitioner is at liberty to challenge the same, if so advised.

6. Accordingly, the Writ Petitions are disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

07.07.2022

Index : Yes / No
Internet : Yes / No
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To

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- 1.The Secretary to Government,
Department of Industries,
St.George Fort,
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- 2.The District Collector/Land Acquisition Officer,
Tuticorin District,
Tuticorin.
- 3.The District Revenue Officer,
Tuticorin District,
Tuticorin.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P.(MD).Nos.2195 and 2196 of 2013

07.07.2022