



WEB COPY



W.P.No.5516 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.5516 of 2023
and W.M.P.Nos.5527 & 5529 of 2023

1. P.John Selvaraj
2. P.IgnatiousRajkumar
3. P.Patrick Manojkumar

.... Petitioners

-Vs-

- 1.The Managing Director
Chennai Metro Rail Limited
Nandanam, Chennai 600 035.
- 2.The Special District Revenue Officer
Land Acquisitions,
Chennai Metro Rail Limited
Nandanam, Chennai 600 035.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to notification issued under Section 4(i) of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) subsection 3(2) of the said Act published in Tamil Nadu Newspaper Dinakaran dated 05.12.2022 claiming the petitioner property in Serial No.19 as Sarkar Poramboke (Government Poramboke lands) comprised in Block No.3, Survey No.88/3, St.Thomas Mount Village, Alandur Taluk proposed for acquisition as illegal and arbitrary and quash the same insofar as the petitioner is concerned.



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For Petitioner : Ms.V.R.Swetha Naidu

For Respondents : Mr.Jayesh B Dolia, Senior Counsel
for Ms.Rita Chandrasekar,
Standing Counsel – for R1

Mr.P.Sathish
Additional Government Pleader – for R2

ORDER

The prayer sought for herein is for a Writ of Certiorari to call for the records pertaining to notification issued under Section 4(i) of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) subsection 3(2) of the said Act published in Tamil Nadu Newspaper Dinakaran dated 05.12.2022 claiming the petitioner property in Serial No.19 as Sarkar Poramboke (Government Poramboke lands) comprised in Block No.3, Survey No.88/3, St.Thomas Mount Village, Alandur Taluk proposed for acquisition as illegal and arbitrary and quash the same insofar as the petitioner is concerned.

2. The respondents issued notice under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (In short 'the Act'), where the notice had been issued to the land holders. However, subsequently on 09.02.2023, an additional notification has been issued, where the property belongs to the petitioner at Survey No.88/3, St.Thomas Mount Village, Alandur Taluk has been shown as Ryotwari Manaivari Kattidam and the ownership has not been mentioned despite the petitioners being the owner of the property and



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patta has already been issued in the name of the petitioners. Therefore, seeking the aforesaid prayer the present writ petition has been filed.

3. Reiterating the aforesaid, the learned counsel for the petitioners seeks the indulgence of this Court.

4. Heard the learned Senior Counsel appearing for the 1st respondent and the learned Additional Government Pleader for the 2nd respondent.

5. In fact the learned Senior Counsel appearing for the 1st respondent would submit that, insofar as the petitioners' land at Survey No.88/3 is concerned, it has been clarified that the land belongs to the petitioners and they are the patta holders. Therefore, under Section 3(2) of the Act notice would be given to the land owners ie., the petitioners by giving a date of hearing and on that date, let the petitioners appear before the 2nd respondent, where the documents including patta which are available in favour of the petitioners can be produced, based on which further proceedings would be undertaken by the respondents.

6. The said stand taken by the learned Senior Counsel appearing for the 1st respondent as well as the learned Additional Government Pleader appearing



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for the 2nd respondent is taken on record and in view of the same, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the respondents to issue a fresh notice under Section 3(2) to the petitioners fixing a date for hearing.
- On that date, without fail the petitioners shall appear before the 2nd respondent and put forth their case by producing necessary documents in support of their contention that the land which is proposed to be acquired for industrial purposes, belongs to the petitioners.
- On receipt of the same, after giving an opportunity in this regard to the petitioners, the respondents, especially the 2nd respondent shall proceed to decide the same on merits and in accordance with law.

7. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

24.02.2023

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Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST



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R. SURESH KUMAR, J.

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