



W.P.Nos.25591 to 25593 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.12.2023**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.Nos.25591 of 2009 & M.P.No.1 and 2 of 2009
and
W.P.Nos.25592 of 2009 & M.P.No.1 and 2 of 2009
and
W.P.Nos.25593 of 2009 & M.P.No.1 and 2 of 2009

B.Zaayidha

... Petitioner in
W.P.No.25591 of 2009

1. A.M.Basheer (died)
2. Zaayidha
3. B.M. Eliaaz
4. Ausha Baegum

[P2 to P4 are substituted as Lrs of the deceased
sole petitioner, vide order dated 16.02.2023
made in W.M.P.No.19567 of 2022]

... Petitioners in
W.P.No.25592 of 2009

B.M.Eliaaz

... Petitioner in
W.P.No.25593 of 2009

Versus

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

- 2.State Industries Promotion Corporation
of Tamil Nadu Limited (SIPCOT),
Represented by its Managing Director,



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19-A, Rukmani Lakshmiipathy Road,
Egmore, Chennai – 600 008.

3.The District Collector,
Kancheepuram District, Kancheepuram

4.The Special Tahsildar (Land Acquisition),
SIPCOT-Oragadam Extension,
Unit-I, Sriperumbudur,
Kancheepuram District.

... Respondents in
all W.Ps

COMMON PRAYER : Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the G.O.Ms.No.191, Industries (SIPCOT – LA) dated 04.07.2007 and quash the same in so far as the same is relating to the petitioner's property viz., all that plots of land measuring an extent of 2352 sq.ft. being the Western portion of Plot No.78, in the layout of house sites known as Alamelumangapuram Extension in Survey No.49/1A3, Subsequent Survey No.190/3, Present Survey No.190/3A, Oragadam Village, Sriperumbudur Taluk, Kancheepuram District, and consequently direct the respondent authorities not to disturb the physical possession and enjoyment of the petitioner in her property until suitable alternative land having similar locational advantage is provide and suitable compensation is paid to the petitioner for the superstructure available in the property as per the private negotiations already initiated by the respondent authorities as per Clause 5 of G.O.Ms.No.139, Industries (MIG-2) Department, dated 03.11.2006.

For Petitioners : Mr. S.Thanka Sivan
(in all W.Ps)

For Respondents : Mr. P. Gurunathan (for R1, R3 and R4)
(in all W.Ps) Additional Government Pleader

: Mrs. Sudharsana Sundar (for R2)



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COMMON ORDER

All these Writ petitions have filed challenging the G.O.Ms.No.191, Industries (SIPCOT – LA) dated 04.07.2007, and quash the same insofar as the same is relating to the petitioner's property viz., all that plots of land measuring an extent of 2352 sq.ft. being the western portion of Plot No.78, in the layout of house sites known as Alamelumangapuram Extension in Survey No.49/1A3, and subsequent Survey No.190/3, Present Survey No.190/3A, Oragadam Village, Sriperumbudur Taluk, Kancheepuram District, and consequently direct the respondent authorities not to disturb the physical possession and enjoyment of the petitioners' property until the suitable alternative land having similar locational advantage is provided and suitable compensation is paid to the petitioners for the superstructure available in the property, based on the private negotiation has already been initiated by the respondent authorities under Clause 5 of G.O.Ms.No.139, Industries (MIG-2) Department, dated 03.11.2006.

2. Since the issue raised by the petitioners is one and the same, hence, these writ petitions are taken up together for joint disposal by this common order.

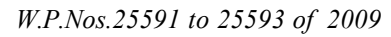


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3. The claim of the petitioners is that, the respondent authorities have acquired some of the lands under the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, and following the same, the first respondent issued a G.O.Ms.No.139, dated 03.11.2006, wherein it was stated that the petitioners' land were also acquired for the said purpose. According to the petitioners, the acquired land was not utilized for the purpose of which it was acquired. Though a private negotiation was held as per Clause No.5 of the G.O.Ms.No.139, dated 03.11.2006, the compensation was not fixed for the superstructure of the petitioners' property. Neither the compensation was granted nor the alternative land was allotted to the petitioners. Hence, the present Writ Petition.

4. The learned counsel for the petitioners would submit that so far no award was passed and no orders were passed in this regard. Subsequently, pending the proceedings, the National Highways Department acquired the land of the petitioners. Therefore, once the land was acquired for some other purpose, and the proceedings were also initiated, the earlier notification will get superseded and no proceeding shall be carried out by the respondent authorities. Further, for the said



<https://www.mhc.tn.gov.in/judis>



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5. Mr. P. Gurunathan, learned Additional Government Pleader appearing for the respondents Nos.1, 3 and 4 would submit that the National Highways Department had already passed the Award and the said amount was tendered. But, the same was refused to receive by the land owners and the legal heirs of the land owners have also not come forward to receive the Award amount. Therefore, it was deposited into the Treasury of the Revenue Department. Once the Award was passed and the Award amount was deposited into the Treasury, then the land is vested with the Government and the person, who is subsequently entered into the said possession in question, is nothing but, that the person is a trespasser, and that, the said person or the land owners cannot claim any right over the property. Since the Writ Petitions are pending, the respondents authority could not proceed with further to issue a fresh proceedings, therefore, the writ petitions have no legs to stand by law and the same are liable to be dismissed.

6. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents Nos.1, 3 & 4, and the learned counsel appearing for the second respondent/SIPCOT,



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and perused the material available on records of this case.

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7. On a perusal of the records shows that the land was acquired for the industrial purpose and the award was also passed. A mere reading of the counter affidavit filed by the third respondent and the same was adopted by the other respondents would clearly reveals that after following all the procedures, the respondents authority had acquired the land for industrial purpose.

8. According to the learned counsel for the petitioners, it is a mere draft award, and it is only an internal communication between the respondent authorities, but, the same was not proved. Hence, this Court is not in agreement with the said contention.

9. According to the learned counsel appearing for the second respondent that the Award has been already passed, since the land owners and their legal heirs did not come forward to receive the money, therefore, the said amount was deposited before the Treasury in the Revenue Department.



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10. Since there is no dispute of the ownership of the land and the quantum of compensation awarded, therefore, depositing the amount before the Civil Court would not arise in this case. However, since the Award has already been passed and the amount has also been deposited for the portion of the land acquired by the National Highways Department as Civil Deposit, therefore, the petitioners are not entitled to the relief sought for in these Writ Petitions.

11. Therefore, this Court agrees with the contentions of the learned Additional Government Pleader appearing for the respondents Nos.1, 3 and 4, and the learned counsel for the second respondent and taking into consideration the facts and circumstances of the case, the Writ Petitions are liable to be dismissed.

12. However, the petitioners are at liberty to work out their remedy before the appropriate forum and the respondent concerned is also directed to serve the copy of the Award to the petitioner.



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13. With the above observations, the Writ Petitions are dismissed.

No costs. Consequently, the connected miscellaneous petitions are also closed.

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

klr

To:

- 1.The Secretary to Government,
State of Tamilnadu,
Industries Department,
Fort St.George, Chennai – 600 009.
- 2.The Managing Director,
State Industries Promotion Corporation
of Tamil Nadu Limited (SIPCOT),
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.
- 3.The District Collector,
Kancheepuram District, Kancheepuram
- 4.The Special Tahsildar (Land Acquisition),
SIPCOT-Oragadam Extension,
Unit-I, Sriperumbudur,
Kancheepuram District.



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P. VELMURUGAN, J.

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