



W.P.No.26 of 2015 & W.P.No.4836 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.26 of 2015

&

W.P.No.4836 of 2018

and

W.M.P.Nos.5974 & 5975 of 2018

W.P.No.26 of 2015

1. Kanniappan

2. Ayyiammal

3. Perumal

4. Natarajan

... Petitioners

Vs.

1. The Principal Secretary to Government,
Industries Department, Secretariat,
Fort St.George, Chennai -9.

2. The District Collector,
Office of Collectorate,
Tiruvannamalai District.



W.P.No.26 of 2015 & W.P.No.4836 of 2018

3. The Special Tahsildar (Unit-VI),
(SIPCOT, LA), Expansion,
Cheyyar, Tiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned G.O.M.S.No.86, Industries (SIPCOT-LA) dated 13.07.2010 published in Tamilnadu Government Gazette extraordinary No.209 dated 13.07.2010 on the file of the first respondent and to quash the same as far as the petitioners' land being reserved and classified as “depressed class land” situated at Cholavaram Village in S.No.416/8B to an extent of 0.01.0 Hectare and in S.No.416/8C to an extent of 0.48.0 hectare and in S.No.416/8A to an extent of 0.19.0 hectare and in S.No.416/9B to an extent of 0.23.5 Hectare in S.No.416/9A, to an extent of 0.23.5 Hectare in S.No.416/10 to an extent of 0.46.5 hectare and in S.No.7/1 and extent of 0.14.0 Hectare and in S.No.5/B to an extent of 0.54.5 Hectare.

W.P.No.4836 of 2018

and

W.M.P.Nos.5974 & 5975 of 2018

Palanivelan

... Petitioner

Vs.

1. The Principal Secretary to Government,
Industries Department, Secretariat,



W.P.No.26 of 2015 & W.P.No.4836 of 2018

WEB COPY

Fort.St.George, Chennai -9.

2. The District Collector,
Office of the Collectorate,
Thiruvannamalai District.
3. The Special Tahsildar (Unit-VI),
(SIPCOT, LA), Extension,
Cheyyar, Thiruvannamalai District

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Certiorarified Mandamus, calling for the records relating to the impugned G.O.M.S.No.86, Industries (SIPCOT-LA) dated 13.07.2010 published in Tamil Nadu Government Gazette extraordinary No.209 dated 13.07.2010 on the file of the first respondent as far as the petitioner's land being reserved and classified as “depressed Class land” situated at Cholavaram Village in S.No.416/3 to an extent of 0.32.5 Hectare and the subsequent notice in Na.Ka.A6/02/2017 dated 04.09.2017 on the file of the third respondent and quash the same and direct the respondent to proceed further.

For Petitioners : Mr.S.Arokia Maniraj

For Respondents : Mr.P.Gurunathan
Additional Government Pleader



W.P.No.26 of 2015 & W.P.No.4836 of 2018

WEB COPY

COMMON ORDER

W.P.No.26 of 2025 has been filed to issue a Writ of Certiorari, calling for the records relating to the impugned G.O.M.S.No.86, Industries (SIPCOT-LA) dated 13.07.2010 published in Tamilnadu Government Gazette extraordinary No.209 dated 13.07.2010 on the file of the first respondent and to quash the same as far as the petitioners' land being reserved and classified as “depressed class land” situated at Cholavaram Village in S.No.416/8B to an extent of 0.01.0 Hectare and in S.No.416/8C to an extent of 0.48.0 hectare and in S.No.416/8A to an extent of 0.19.0 hectare and in S.No.416/9B to an extent of 0.23.5 Hectare in S.No.416/9A, to an extent of 0.23.5 Hectare in S.No.416/10 to an extent of 0.46.5 hectare and in S.No.7/1 and extent of 0.14.0 Hectare and in S.No.5/B to an extent of 0.54.5 Hectare.

2. W.P.No.4836 of 2018 has been filed to to issue a Certiorarified Mandamus, calling for the records relating to the impugned G.O.M.S.No.86, Industries (SIPCOT-LA) dated 13.07.2010



W.P.No.26 of 2015 & W.P.No.4836 of 2018

WEB COPY

published in Tamil Nadu Government Gazette extraordinary No.209 dated 13.07.2010 on the file of the first respondent as far as the petitioner's land being reserved and classified as “depressed Class land” situated at Cholavaram Village in S.No.416/3 to an extent of 0.32.5 Hectare and the subsequent notice in Na.Ka.A6/02/2017 dated 04.09.2017 on the file of the third respondent and quash the same and direct the respondent to proceed further.

3. Learned counsel for the petitioners submitted that the land in Survey No.416 is classified as “depressed class land”. Village Register, Adangal, and “A” Register also show that the land is “depressed class land”. Though the Hon'ble Supreme Court and this Court again and again reiterated that when once the land had been classified as “depressed class land” or “panchami land”, the same cannot be converted into any other classification. Despite knowing fully well the same, the respondents have purposely, acquired those lands for industrial purpose, which is against the fundamental principles. Further, the Government has also again and again issued circular stating that the “depressed class land” and also “panchami land” cannot be converted



W.P.No.26 of 2015 & W.P.No.4836 of 2018

into any other classification.

WEB COPY

4. Learned Additional Government Pleader appearing for the respondents fairly conceded that even in “A” Register, Village Register and also “Adangal Register”, the said Survey Number has been shown as “depressed class land”. Even in para 3 of the counter, it also admitted that the land has been classified as “depressed class land” (DC land).

5. Once the land has already been classified as “depressed class land”, the same cannot be removed from the said classification. However, the officials are knowing fully well that the “depressed class land” cannot be converted into any other classification, the Revenue Authorities are colluding with the private land owners, by taking advantage that the depressed class people are voiceless, they are enjoying the immunity of the Government. Despite all the Government records shows that the land is “depressed class land” still the authorities have acquired the land for industrial purposes. The Officials are purposefully doing the abovesaid act and they are under the clout of the Government servant, acting against the fundamental principles of



W.P.No.26 of 2015 & W.P.No.4836 of 2018

natural justice. Hence, the Government is directed to take departmental action against the erring officials. If any Government Officials are not following the statutory principles as well as the law laid down by the Hon'ble Supreme Court in various decisions, they have to face the consequences individually.

6. The respondents/Government is directed to take departmental action against the erred officials and file a “action taken report” within a period of two months from the date of receipt of copy of this order.

7. With the above observations/directions the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.12.2023

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



WEB COPY



W.P.No.26 of 2015 & W.P.No.4836 of 2018

To

1. The Principal Secretary to Government,
Industries Department, Secretariat,
Fort St.George, Chennai -9.
2. The District Collector,
Office of Collectorate,
Tiruvannamalai District.
3. The Special Tahsildar (Unit-VI),
(SIPCOT, LA), Expansion,
Cheyyar, Tiruvannamalai District.



WEB COPY



W.P.No.26 of 2015 & W.P.No.4836 of 2018

P.VELMURUGAN, J.

mfa

W.P.No.26 of 2015
&
W.P.No.4836 of 2018
and
W.M.P.Nos.5974 & 5975 of 2018

11.12.2023