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WP No.21192 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-09-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.21192 of 2014

And

MP Nos.1, 2 and 3 of 2014

Mrs.Jayanthi Harikrishnan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Industries,
Fort St. George,
Chennai-600 009.
- 2.The District Collector,
Kancheepuram District,
Kancheepuram.
- 3.The Special Tahsildar,
Land Acquisition,
Unit – II, SIPCOT,
Oragadam Expansion Scheme – II,
Sriperumbudur,
Kancheepuram District.



4.The Managing Director,
SIPCOT Unit-III,
Sriperumbudur Expansion Scheme,
19-A, Rukmani Lakshmipathi Salai,
Egmore,
Chennai-600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Acquisition Notification in G.O.Ms.No.113, Industries (SIPCOT-LA), on the file of the first respondent issued under Sub Section (1) of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, published in the Tamil Nadu Government Gazette Extraordinary No.149-Part-II-Section 2 dated 04.06.2012 relating to the property scheduled therein and in so far as the petitioner's property is concerned, being the housing site in Plot No.933 Comprised in Survey No.306/2 measuring to an extent of 2400 square feet in 180, Mathur Village, Sriperumbudur Taluk, Kancheepuram District and the consequential notice under Section 4(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Act 10 of 1999) issued by the second and third respondents in their proceeding in Rc.No.6/2009 Unit II dated 24.01.2014 and quash the same and consequently direct the first respondent to conduct personal hearing as per show cause under Section 14(1a)(bi)(i2) and (d) r/w Rule 3 (Form A) or under Section 15 r/w Rule 4 (Form B) of the Act, calling upon the petitioner to give explanation to the said show cause notice.



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For Petitioner : Mr.M.Raja Sekhar
For Respondents-1 to 3 : Mr.T.Arunkumar,
Additional Government Pleader.
For Respondent-4 : Mr.G.Suresh Kumar,
Standing Counsel for SIPCOT.

ORDER

The present writ petition has been filed challenging the Acquisition Notification in G.O.Ms.No.113, Industries (SIPCOT-LA), on the file of the first respondent issued under Sub Section (1) of Section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, published in the Tamil Nadu Government Gazette Extraordinary No.149-Part-II-Section 2 dated 04.06.2012 relating to the property scheduled therein and in so far as the petitioner's property is concerned, being the housing site in Plot No.933 Comprised in Survey No.306/2 measuring to an extent of 2400 square feet in 180, Mathur Village, Sriperumbudur Taluk, Kancheepuram District and the consequential notice under Section 4(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Act 10 of 1999) issued by the second and third respondents in their proceeding



in Rc.No.6/2009 Unit II dated 24.01.2014 and quash the same and consequently direct the first respondent to conduct personal hearing as per show cause under Section 14(1a)(bi)(i2) and (d) r/w Rule 3 (Form A) or under Section 15 r/w Rule 4 (Form B) of the Act, calling upon the petitioner to give explanation to the said show cause notice.

2. It is not in dispute that the lands belonging to the writ petitioner was acquired under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

3. The learned counsel for the petitioner mainly contended that no notice was issued to the writ petitioner as contemplated under the provisions of the Act. Therefore, the entire acquisition proceedings are to be quashed.

4. The learned Standing Counsel appearing on behalf of the fourth respondent-SIPCOT submitted the copy of the judgment delivered by this Court in respect of the same acquisition proceedings in a batch of writ petitions in WP Nos.1878 and 1879 of 2014 etc batch of cases dated



13.08.2021.

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5. It is not in dispute that the acquisition proceedings in the batch of writ petitions and the present case, are relating to the same location. The grounds raised by the writ petitioner is relating to violations of procedures, which were elaborately considered by this Court in the said batch of writ petitions and judgment was delivered on 13.08.2021.

6. The very same grounds are taken in the said batch of writ petitions (cited supra) also. There is a specific finding in the judgment, cited supra, that all the petitioners were duly served notice under Sub Clause (2) of Section 3 of the Act. After receipt of notice, some of the petitioners submitted their objections and those objections were duly placed before the fourth respondent, who is the Requisitioning Body as contemplated under Rule 6 (b) of the Act. After obtaining remarks from the Special Tahsildar (Land Acquisition), an enquiry was conducted and recommendations were forwarded to the Government for issuance of Notification under Sub Section (1) of Section 3 of the Act.



7. In the judgment of the said batch of writ petitions, cited supra, the Court made a finding that notice was served to all the petitioners and the present writ petitioner also is a party in respect of the same acquisition proceedings initiated under the Acquisition of Land for Industrial Purposes Act, 1997. The other relevant portions of the judgment cited supra, wherein in paragraphs-13, 14, 15 and 16, the following observations are made:-

“13. Accordingly, the provisions of the Land Acquisition Act, 1894 shall cease to apply to any land which is required for the purpose specified under The Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997. Therefore, Section 5A of the Land Acquisition Act, 1894 and Section 3 sub-clause (2) of the Act are not connected each other.

14. That apart, as stated supra, all the petitioners were duly served notice under Section 3 (2) of the Act and some of the petitioners submitted their objections and also attended enquiry. Therefore, there is no violation of the procedures as contemplated under Sections 3 (2)



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and (3) of the Act read with Rule 6 (b) & (c) of the Act, and there is no violation of Article 300 A of the Constitution of India.

15. In view of the above discussion, all the writ petitions do not have merits and are liable to be dismissed. However, the learned counsel for the petitioners submitted that The Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 itself is challenged before the Hon'ble Supreme Court of India. Therefore, the petitioners are at liberty to challenge the proceedings subject to the result of the special leave petitions.

16. With the above observations, all the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No order as to costs.”

8. In view of the fact that batch of writ petitions on the same issue has been already considered by this Court elaborately and those writ petitions are dismissed, there is no reason to reconsider the issues already adjudicated by this Court.



9. Accordingly, the present writ petition is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

15-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

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Fort St. George,
Chennai-600 009.
2. The District Collector,
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3. The Special Tahsildar,
Land Acquisition,
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S.M.SUBRAMANIAM, J.

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