



Order dated 10.11.2023
in W.P.Nos.2953 and 2954 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.2953 and 2954 of 2014
and
M.P.No.2 of 2014 in W.P.No.2954 of 2014

1. S.Ravishankar,
Rep. by his Power of Attorney,
Mrs.Vasudha Eashwar,
8210, Mourning Dove Ct.,
Woodride, IL 60517
United States.
2. Symala Ravishankar,
Represented by her Power of Attorney
Mrs.Vasudha Eashwar,
8210, Mourning Dove Ct.,
Woodride, IL 60517,
United States.
3. K.Eashwar
A-3,Aswathi Apartments,
Old No.16, New No.4,
II Crescent Park Road,
Gandhi Nagar, Adyar, Chennai-20.
4. Mrs.Vasudha Eashwar,
A-3,Aswathi Apartments,
Old No.16, New No.4,

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II Crescent Park Road,
Gandhi Nagar, Adyar, Chennai-20.

.. Petitioners in W.P.No.2953 of 2014

1. Mr.R.Ilangovan,
No.79, Vinayagar Koil Street,
Nungambakkam Village and Post,
Tiruvallur Taluk,
Tiruvallur District.
2. Swetha Thiagarajan,
A-3 Aswathi Apartments,
Old No.16, New No.4,
II Crescent Park Road,
Gandhi Nagar, Adyar, Chennai-20.

.. Petitioners in W.P.No.2954 of 2014

-versus-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Industries Department,
Secretariat, Chennai.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Special Tahsildar (Land Acquisition),
SIPCOT, Irungattukottai Expansion Scheme,
No.41-A, Thirumangai Alwar Street,
Sriperumbudur-602 105.
4. The Managing Director,
Land Acquisition, Unit-3, SIPCOT,

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Sriperumbudur Expansion Scheme-II,
Sriperumbudur, Kancheepuram.

5. Sub-Registrar,
Office of the Sub-Registrar,
Sriperumbudur.

.. Respondent in both the Writ Petitions

Writ Petition No.2953 of 2014, is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent contained in G.O.Ms.No.67, Industries (SIPCOT-LA), dated 28.03.2013, and to quash the same as an arbitrary and unconstitutional exercise of power insofar as it applies to the fourth respondent's lands, and consequently direct the respondents to not acquire the lands at Plot No.350, comprised in present Survey No.94/2 at No.158, Pillaipakkam Village, Kancheepuram District, Sriperumbudur Taluk, Plot No.318, comprised in present Survey No.93/76 and 94/50 at Pillaipakkam Village, Kancheepuram District, Sriperumbudur Taluk and Plot No.319, comprised in present Survey No.93/76 and 94/50 at Pillaipakkam Village, Kancheepuram District, Sriperumbudur Taluk, from the fourth petitioner herein.

Writ Petition No.2954 of 2014, is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent contained in

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G.O.Ms.No.67, Industries (SIPCOT-LA), dated 28.03.2013, and to quash the same as an arbitrary and unconstitutional exercise of power insofar as it applies to the second petitioner's lands, and consequently direct the respondents to not acquire the lands at Plot No.231, "Sri Thirupurasundari Nagar", No.158, Pillaipakkam Village, Sriperumbudur Taluk, Kancheepuram District, comprised in present Survey Nos.92/3B2, 93/3 and 94/1 with sanctioned lay-out in CSAR/DTCP (M)/85/51/LP 27, known as Sri Thirupurasundarai Lay-out, of the second petitioner herein.

For petitioners : Mr.Suhirth Parthasarathy in both Writ Petitions

For respondents: Mr.P.Gurunathan, Addl.G.P.

for RR-1,2,3 and 5 in both the Writ Petitions

Ms.Sudharsana Sundar for SIPCOT for R-4 in both the Writ Petitions

COMMON ORDER

Writ Petition No.2953 of 2014 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent contained in G.O.Ms.No.67, Industries (SIPCOT-LA), dated 28.03.2013, and to quash the same as an arbitrary and unconstitutional exercise of power, insofar



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as it applies to the fourth respondent's lands, and consequently direct the respondents not to acquire the lands at Plot No.350, comprised in present Survey No.94/2 at No.158, Pillaipakkam Village, Kancheepuram District, Sriperumbudur Taluk, Plot No.318, comprised in present Survey No.93/76 and 94/50 at Pillaipakkam Village, Kancheepuram District, Sriperumbudur Taluk and Plot No.319, comprised in present Survey No.93/76 and 94/50 at Pillaipakkam Village, Kancheepuram District, Sriperumbudur Taluk, from the fourth petitioner herein.

2. Writ Petition No.2954 of 2014, is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent contained in G.O.Ms.No.67, Industries (SIPCOT-LA), dated 28.03.2013, and to quash the same as an arbitrary and unconstitutional exercise of power insofar as it applies to the second petitioner's lands, and consequently direct the respondents to not acquire the lands at Plot No.231, "Sri Thirupurasundari Nagar", No.158, Pillaipakkam Village, Sriperumbudur Taluk,

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Kancheepuram District, comprised in present Survey Nos.92/3B2, 93/3 and 94/1 with sanctioned lay-out in CSAR/DTCP (M)/85/51/LP 27, known as Sri Thirupurasundarai Lay-out, of the second petitioner herein.

3. Learned counsel for the petitioners submitted that though the land(s) was/were proposed to be acquired for industrial purpose, the Notification under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 was issued on 28.03.2013, whereas the Notification under Section 3(2) of the said Act, was issued only on 23.10.2017, i.e. four years later and it is beyond reasonable date.

4. Learned counsel for the petitioners further submitted that the near-by the lands in the area, are used for purposes other than the industrial purposes like Ashram, etc., and therefore, the present land(s) can be exempted from the impugned Notification.

5. Learned counsel for the petitioners further submitted that the present land(s) that is/are sought to be acquired, are not fit and proper



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for industrial purposes and they can be exempted like any other adjacent lands(s) and hence, the present lands could also be exempted from acquisition. The authority concerned has not even fixed the compensation as per the Old Act (i.e. Land Acquisition Act) and the possession has also not been taken, and therefore, the present Writ Petitions are filed.

6. Learned counsel for the petitioners also submitted that in case the Court is not satisfied with the other reasons challenged in these Writ Petitions, and the respondents may be allowed to proceed with the present acquisition, but the petitioners are entitled for appropriate compensation under the New Act of 1997.

7. In support of his submissions, learned counsel for the petitioners relied on a decision of the Supreme Court reported in 2013 (3) SCALE 169 (Hukan Chand and others Vs. State of Haryana and others).

8. This Court heard the submissions made on either side and perused the materials available on record.

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9. Learned counsel for the fourth respondent (SIPCOT), while filing counter affidavit, submitted that there is no time limit fixed under the Act against the Notification also and the time limit is only for acquisition of land(s). In this case, the land(s) are acquired for industrial purposes only and therefore, the old/New Act as the case may be, is a special enactment and it could be dealt with in accordance with law.

10. Learned counsel for the fourth respondent (SIPCOT) further contended that since the present writ petitioners are also the purchasers and since the original owners have not objected for acquisition of the land(s) in question, the subsequent purchaser(s) also cannot object it, since the petitioners herien stepped into the shoes of the original owners. But however, the SIPCOT is ready to take the proceedings under the New Act and fix the compensation in accordance with the same.

11. Admittedly, the Notification/G.O. was issued under Section 3(1) of the Old Act on 28.03.2013, and that the Notification under Section 3(2)



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was also issued on 23.10.2017.

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12. It is not in dispute that so far, the compensation was not settled either under the private negotiations or under the proceedings by due process of law, and therefore, the compensation has been fixed and final Award has also been passed and as the possession also is still with the erstwhile owners.

13. In the above facts and circumstances, the petitioners in both the Writ Petitions are entitled to get compensation under the new Act. Hence, the petitioners are at liberty to make their claim in writing, before the respondents/authorities concerned, as per the New Act, and the respondents/authorities concerned shall consider the said claim of the petitioners and fix the compensation as per the New Act in force in respect of the industrial purposes.

14. As the Writ Petitions are pending for nearly 9 years, the respondents herein/authority concerned, are directed to consider the



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claim of the petitioners and accordingly, fix the compensation as per the New Act, within a period of six months from the date of receipt of a copy of this order/on production of a web-copy of this order, whichever is earlier.

15. The decision of the Supreme Court relied on by the learned counsel for the petitioners, is distinguishable on facts, and hence, the same is not applicable to the petitioners herein.

16. With the above observations/directions, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, the miscellaneous petition is closed.

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To

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,

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Industries Department,
Secretariat, Chennai.

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Kancheepuram.
3. The Special Tahsildar (Land Acquisition),
SIPCOT, Irungattukottai Expansion Scheme,
No.41-A, Thirumangai Alwar Street,
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4. The Managing Director,
Land Acquisition, Unit-3, SIPCOT,
Sriperumbudur Expansion Scheme-II,
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5. Sub-Registrar,
Office of the Sub-Registrar,
Sriperumbudur



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