



WEB COPY

W.P.No.20570 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20570 of 2023

and

W.M.P. Nos.19958 & 19959 of 2023

1. Murali Seethappa

2. Sivasundaram Muniyappan

... Petitioners

Vs.

1. The District Collector,
Krishnagiri.

2. Special District Revenue Officer (LA),
Hosur SIPCOT Industrial Complex,
Krishnagiri District.

3. The Revenue Divisional Officer,
Hosur, Krishnagiri District.

4. Tahsildhar
Denkanikottai Taluk,
Krishnagiri District-635 109.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the proceedings in Na.Ka.No.371/ 2022/ TA.MA.VARU.A/ KE.GIRI dated



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04.07.2023 on the file of the 1st respondent and quash the same as illegal, incompetent and contrary to law

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For Petitioners	: Ms.K.Abhiramee for Mrs.V.Srimathi
For Respondents	: Mr. V.Arun, Additional Advocate General, assisted by Mr.T.Venkatesh Kumar, Special Government Pleader

ORDER

The inquiry notice issued by the District Collector of Krishnagiri, in his proceeding dated 04.07.2023, is sought to be quashed in the present writ petition.

2. The petitioners state that the respondents have initiated action to acquire the property belonging to the petitioners under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. The learned counsel for the petitioners mainly contended that under Section 3(2) of the Act, notice was issued and under Section 3(3), before issuing an order under Section 3(1), the land owners have to be heard.



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3. Section 3(3) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, states that the Government may pass an order under Section 3(1) of the Act after hearing and considering the cause, if any, shown by the owner or person interested. Thus, hearing and considering cause of the land owner is a mandatory provision which is to be followed scrupulously under the provisions of the Act.

4. The perusal of the notice reveals that even before complying with the provisions under Sections 3 and Section 3(1), they have issued a notice, asking the land owners to appear for private negotiation. Such a procedure adopted is in violation of the provisions of the Act.

5. The learned Additional Advocate General, appearing on behalf of the respondents, made a submission that the procedures as contemplated under the Act is to be scrupulously followed by the authorities. Since the impugned order has not been properly ordered, the respondents undertake to withdraw the impugned order and proceed with the acquisition by following the procedures as contemplated under the Act.



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6. In this regard, the Special District Revenue Officer (LA), Hosur SIPCOT Industrial Complex, Krishnagiri District, addressed a letter to the learned Additional Advocate General in R.O.C.No.371/2023, Special District Revenue Office, Krishnagiri dated 31.07.2023. The said letter reveals that the respondents have decided to withdraw the impugned notice and follow the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, to proceed with the land acquisition as per their proposal.

7. In view of the factum established, the impugned notice issued by the first respondent in proceeding Na.Ka.No.371/ 2022/ TA.MA.VARU.A/ KE.GIRI dated 04.07.2023 is quashed and the respondents are directed to proceed with the acquisition by scrupulously complying with the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, and the rules framed therein.



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8. Accordingly, the writ petition stands **allowed**. No costs.

Consequently, connected miscellaneous petitions are closed.

09.08.2023

Index : yes
Speaking order
Neutral Citation: yes
(sha)

To

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S.M.SUBRAMANIAM, J.

(sha)

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