



W.P.No.23719 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.23719 of 2023

V.S.Senthilkumar

... Petitioner

Vs.

1.The District Collector
Collector Office
Gopalapuram,
Coimbatore - 641 018

2.The Tahsildhar
Taluk Office
Annur Taluk
Coimbatore District

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, to quash the order of the 2nd respondent in Mu.Mu/A5/1294/2023 dated 17.04.2023 and consequently direct the 2nd respondent to give No Objection Certificate to the petitioner herein for manufacturing crusher dust in S.F. No.383/1B1C, Pogalur Village, Annur, Coimbatore District - 641653.



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For Petitioner : Mr.Mukund, Senior Counsel
for Mr.M.Roshan Atiq

For Respondents : Mr.G.Ameedius,
Government Advocate

ORDER

The petitioner claims himself to be a tenant of a certain land in S.F. No.383/1B1C of Pogalur Village. He has approached the second respondent for a No Objection Certificate for certain purpose. This was rejected by the second respondent, the Tahsildar, Annur Taluk on the ground that this property was proposed to be acquired for the benefit of TIDCO vide his proceedings in Mu.Mu/A5/1294/2023 dated 17.04.2023.

2.A counter has been filed, which in substance reiterated the very ground, the Tahsildar has cited in the impugned proceedings.

3.The learned Government Advocate has also brought to the notice of this court a communication dated 16.08.2021 from TIDCO wherein it has requested the Government for acquiring certain lands for establishing an industrial park in Annur Taluk. This includes the petitioner's property in S. No.381/1B1C. In



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terms of the same, a Government Order too has been passed. The petitioner merely requires till such time a final declaration is passed, only the preliminary notification under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 remains.

4. Not giving hope, the learned senior counsel appearing for the petitioner submitted that, at least till such time the TIDCO land is acquired, the petitioner may be allowed to run his crusher. He added that the aforesaid notification of the TIDCO is in the year 2021 and the G.O. No.202 accorded administrative sanction was in October 2022 and added that there was a news item published in the Times of India, Coimbatore Edition dated 03.04.2023 that TIDCO has shifted its site for establishing an industrial park from Annur to some other place.

5. Now it only requires the Tahsildar or such other authority who is now required to issue a NOC for the petitioner to run his crusher in the light of the subsequent events that has taken place. The petitioner is now required to approach the Tahsildar, Annur Taluk with a fresh representation along with a copy of this order and also the news item published in the Times of India along



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with an undertaking that in the eventuality of the property being acquired for TIDCO in consistent with G.O. No.202 dated 10.10.2022, he would hand over possession as and when required by the officials without any demur or without taking recourse to law and would confine in all such circumstances will confine his demand only to claim a just compensation in terms of the said Act.

6. This writ petition stands disposed of accordingly. No costs.

22.09.2023

Asr

Index : Yes / No

Neutral Citation

To

1.The District Collector
Collector Office
Gopalapuram,
Coimbatore - 641 018

2.The Tahsildhar
Taluk Office
Annur Taluk
Coimbatore District

3.The Government Pleader
High Court, Madras



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N.SESHASAYEE, J.

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