



WEB COPY

W.P.No.28759 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28759 of 2022
and W.M.P.Nos.14382 & 22376 of 2023

R.Ramachandran

...Petitioner

Vs.

1.State of Tamil Nadu rep. by the
Secretary to Government,
Industries Department,
Fort St. George, Chennai – 600 009.

2.The Commissioner of Land Administration,
Land Administration Department,
Chepauk, Chennai – 600 005.

3.The District Collector,
Kancheepuram District,
Kancheepuram.

4.The Special District Revenue
Officer (LA), Phase-1,
Oragadam and Irrungattukottai,
Expansion Scheme, SIPCOT,
Sriperumbudur,

5.The Special Tahsildhar (LA),
Oragadam Expansion Scheme,
SIPCOT Unit-1, Sriperumbudur.



6.The Managing Director,
SIPCOT,
No.19-A, Rukmani Lakshmipathy Road,
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, to call for the records of the 1st respondent relating to the Notification under Section 3(1) of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act dated 20.09.2022 published in Tamil Nadu Government Gazette Volume No.451 vide proceedings No.Rc.No.S2/1416076/2021 to acquire the petitioner's lands to setting up of New SIPCOT Industrial Park in Thirumudivakkam Village, Kundrathur Taluk, Kancheepuram District measuring an extent of 12.66.3 hectares (or) 31.28 acres and quash the same as arbitrary and abuse of process and consequently direct the respondents to proceed with acquisition as per G.O.Ms.No.200 Industries (SIPCOT LA) Department dated 03.09.2020 in the same manner as adopted in Phase I and Phase II at the same rate under Section 7(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

For Petitioner	:	Mr.Vijay Narayan, Senior Counsel for Mr.P.Solomon Francis
For R1 to R5	:	Mr.R.Ramanlaal, AAG Assisted by Mr.B.Vijay, AGP
For R6	:	Mr.R.Viduthalai, Senior Counsel for Ms.A.Suganya, Standing Counsel

**ORDER**

WEB COPY

The writ on hand has been instituted questioning the validity of the notification issued under Tamil Nadu Acquisition of Lands for Industrial Purposes Act (hereinafter referred to as 'the Act') in proceedings dated 20.09.2022.

2. The petitioner and his family members are the absolute owners of the lands to an extent of 82.15 acres in Survey No.400/1A and the adjacent lands also belong to the petitioner and his family members. A company is owned by the petitioner at Thirumudivakkam Village, Kuntrathur Taluk, Kancheepuram District.

3. It is not in dispute between the parties that the subject properties are proposed to be acquired for the purpose of setting up industrial park by the Government of Tamil Nadu. The requisition body is the SIPCOT and consequently, the Government issued notification under Section 3(1) of the Act. The present writ petition has been filed challenging the said notification mainly on the ground that for the adjacent lands already acquired from the



petitioner and his family members for the very same industrial purposes, the Government determined the compensation and in contravention with the earlier determination of compensation, now the District Collector, Kancheepuram District has fixed lesser value. Thus, the petitioner has chosen to challenge the notification.

4. The learned Senior Counsel for the petitioner mainly contended that on earlier occasion, the respondents have proceeded under Section 7(2) and had agreed for the compensation. When the respondents have already agreed and settled the compensation under Section 7(2) in respect of the adjacent lands acquired for industrial purposes, now they are estopped from determining lesser value than that of the value already determined for the adjacent lands. The learned Senior Counsel drew attention of this Court with reference to the proceedings of the District Collector, Kancheepuram, dated 29.09.2022, wherein the District Collector determined the value of the land as Rs.73 lakhs per acre. Since the respondents are in the process of adopting different methods for determining lesser value, the petitioner has chosen to challenge the notification.



WEB COPY

5. The learned Senior Counsel appearing for the SIPCOT stringently objected the said contention by stating that the present writ petition is not only pre-mature but the petitioner approached with certain presumptions and assumptions. Final decision has been taken in respect of the quantum of compensation to be determined and more so, the authorities have already issued notice in letter dated 18.10.2022 asking the petitioner to attend the meeting scheduled to be held on 02.11.2022 at 04.00 P.M. before the District Collector, Kancheepuram at Collector's Office, Kancheepuram. Even before the meeting, the petitioner, on receipt of the notice, filed the present Writ Petition and obtained an order of interim stay and thus, the respondents are not in a position to proceed further.

6. The learned Senior Counsel for the SIPCOT further contended that the respondents issued notice dated 18.10.2022 for the purpose of negotiations. During the negotiations, the petitioner is at liberty to place all the facts including the compensation determined in respect of the adjacent lands, which were acquired earlier for the benefit of the SIPCOT. Thus, the writ petition is to be rejected.



WEB COPY

7. The learned Additional Advocate General, in support of the contentions raised on behalf of the SIPCOT, made a submission that the petitioner has to avail the opportunities pursuant to the letter dated 18.10.2022 sent to him for negotiations. The petitioner has not availed the opportunity nor submitted any proposal or objections. Even after negotiations under Section 7(2) of the Act, the petitioner will get further opportunity under Section 7(3), which stipulates that "where no such agreement can be reached, the Government shall refer the case to the Collector for determination of the amount to be paid for such acquisition as also the person or persons to whom such amount shall be paid".

8. It is not in dispute that the competent authority/District Collector issued a notice to the petitioner in letter dated 18.10.2022. The said letter unambiguously states as follows:

"Notice is hereby given that state Government proposed to acquire the land mentioned in schedule below which are required for public purpose that is the setting up of SIPCOT Industries complex, under Tamil Nadu Acquisition of Land for industrial purpose Act 1997 (TN Act 10 of 1999). You are required to appear in



person or by authorized agent on 02.11.2022 before the District Collector Kancheepuram at Collector's Office, Kancheepuram at 4.00 pm and to state/put in a statement in writing signed by you or your authorized agent showing the nature of your interest in the land, the amount payable for such interest with particulars thereof and to put in a statement containing as far as may be practicable, the name of every person possessing any interest in the land or any part of it as co-owner, mortgagee, tenant or otherwise and the nature of such interest and the rents and profits (if any) received or receivable on account of it for three years next preceding the date of the statement."

9. The proceedings of the District Collector, Kancheepuram, relied on by the petitioner was dated 29.09.2022, i.e. before issuance of the notice dated 18.10.2022. Thus, we cannot form an opinion that the proceedings of the Collector dated 29.09.2022 became final, since the respondents have subsequently issued a notice calling upon the petitioner to attend for a meeting, wherein the petitioner is at liberty to place all the facts including the compensation determined in respect of the adjacent lands acquired. Instead of availing the opportunity provided, the petitioner approached the High Court



and obtained an order of interim stay, which caused inconvenience to the development of the industrial park in that locality.

WEB COPY

10 It is made clear that the proceedings of the District Collector dated 29.09.2022 is not final and thereafter, they have decided to invite the petitioner for a meeting to discuss the issues under Section 7(2) for the purpose of determining the compensation to be settled.

11. This being the factum established, the respondents are at liberty to fix a date and time for the purpose of negotiations once again by issuing a fresh notice to the petitioner. On receipt of the notice, the petitioner is at liberty to attend the meeting and place all the facts and documents available with him for negotiations. The parties are at liberty to negotiate the issues under Section 7(2) of the Act and form a final opinion for determining the compensation to be settled. In the event of failure, the respondents are at liberty to proceed further by following the procedures as contemplated under the provisions of the Act. All the disputed issues between the parties, if any, are kept open for negotiations to be held between the parties without causing any undue delay and in the public interest. The said meeting and negotiations



W.P.No.28759 of



are directed to be completed between the parties within a period of eight weeks from the date of receipt of a copy of this order.

WEB COPY

12. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.08.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

hvk



To

WEB COPY

- 1.The Secretary to Government,
State of Tamil Nadu
Industries Department,
Fort St. George, Chennai – 600 009.
- 2.The Commissioner of Land Administration,
Land Administration Department,
Chepauk, Chennai – 600 005.
- 3.The District Collector,
Kancheepuram District,
Kancheepuram.
- 4.The Special District Revenue
Officer (LA), Phase-1,
Oragadam and Irungattukottai,
Expansion Scheme, SIPCOT,
Sriperumbudur,
- 5.The Special Tahsildhar (LA),
Oragadam Expansion Scheme,
SIPCOT Unit-1, Sriperumbudur.
- 6.The Managing Director,
SIPCOT,
No.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.



WEB COPY



W.P.No.28759 of

S.M.SUBRAMANIAM, J.

hvk

W.P.No.28759 of 2022

03.08.2023