



W.M.P.Nos.28047 & 28048 of 2022
in
W.P.No.28759 of 2022

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S.M.SUBRAMANIAM, J.

The writ petition has been instituted challenging the notification issued 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 to acquire the petitioner's lands for setting up of new SIPCOT Industrial Park in Thirumudivakkan Village, Kundrathur Taluk, Kancheepuram District.

2. Section 3 provides “Power to acquire land”. Sub Section (1) stipulates “If, at any time in the opinion of the Government, any land is required for any industrial purposes, or for any other purpose in furtherance of the objects of this Act, they may acquire such lands by publishing in Tamil Nadu Government Gazette a notice specifying the particular purpose for which such land is required”.

3. Sub Section (2) to Section 3 contemplates that “Before publishing notice under Sub-Section (1), the Government shall, call upon the owner



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and any other person, who in the opinion of the Government may be interested in such land, to show cause within such time as may be specified in the notice, why the land should not be acquired. The Government shall also cause a public notice to be given in such manner as may be prescribed.

4. In furtherance of Sub Section (2) to Section 3, a public notice was issued by the respondents on 29.04.2021 providing an opportunity to the petitioner to submit his objections / explanations, if any. After complying with the preconditions contemplated under Section 3(2) of the Act the impugned 3(1) Notification was issued on 20.09.2022.

5. In such circumstances, the parties have to raise their objections by participating in the process of enquiry, which is to be conducted by the competent authorities under the Act.

6. In the present case, the petitioner without attending the meeting convened by the authorities, approached this Court and stalled the entire acquisition proceedings. The acquisition proceedings commences in the year 2020 and it was pending for three years on account of the pendency of



the present writ petition and the interim order was granted.

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7. The very purpose and object of the acquisitions under the Industrial purposes at no circumstances be allowed to be defeated and in the present case, the process has commenced in accordance with the provisions of the Act and there is no infirmity as such. In the event of not establishing a *prima facie* case for grant of interim order, then the said interim order now in force would cause irreparable loss and prejudice to the interest of the purpose and object sought to be achieved under the Act.

8. Acquisitions are proposed for the purpose of developing industrial corridors, which would be of paramount importance for the development of our Great Nation. Thus, an interim order in force need not be extended as the procedures as contemplated for initiation has not been violated. If at all any grievance exists for the petitioner, he is at liberty to participate in the meeting or approach the authorities at the time of determination of compensation or otherwise in the manner contemplated.



9. The writ petition is premature, since further exercise is yet to be completed and therefore, this Court is not inclined to extend the interim stay already granted.

10. Accordingly, the interim stay granted by this Court in W.M.P.No.28048 of 2022 on 31.10.2022 is vacated and the W.M.P.Nos.28047 and 28048 of 2022 stand dismissed.

11. The learned Additional Advocate General appearing on behalf of the State made a submission that the petitioner himself appeared before the competent authority during the course of enquiry under 3(2) on 19.06.2021 and said that he has no objection for acquiring the property belonging to him.

12. List the Writ Petition for final hearing, under the caption “For Passing Orders” on 03.08.2023.

26.07.2023

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