



W.P.No.26489 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 24.01.2023

Coram:

**The Hon'ble Mr.Justice R.MAHADEVAN
and
The Hon'ble Mr.Justice MOHAMMED SHAFFIQ**

**W.P.No.26489 of 2017
and W.M.P.No.28203 of 2017**

M/s.Singapore Realty Pvt. Ltd.,
Plot No.K-1, Singapore I.T Park,
Siruseri, Navaloor Post.

...Petitioner

Versus

- 1.The Block Development Officer,
Thirupporur.
- 2.The Special Tahsildar (LA),
SIPCOT, Siruseri Scheme,
Irugattukottai,
Sriperumbudur circle,
Kancheepuram District.
- 3.State of Tamil Nadu
Rep. by its Secretary, Industries Department,
Fort St.George,
Secretariat.
- 4.G.Anand



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5.SIPCOT Ltd.,
19-A, Rukmani Latchmipathy Road,
Egmore,
Chennai – 600 008.

(R5 was impleaded as per order dated 01.03.2018 made in W.M.P.No.3472 of 2018)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the first respondent relating to the impugned letter bearing Na.Ka.No.1338/2017/A3 dated 21.09.2017, quash the same.

For Petitioner	:	Mr.Sivanandaraj, Senior Counsel for Mr.Roshan Balasubramanian
For Respondents 1 to 3	:	Mrs.M.E.Rani Selvam
For Respondent – 4	:	Mr.B.Ramamoorthy
For Respondent – 5	:	Mr.Sudharsana Sundar

ORDER

*(Order of the Court was made by **R.MAHADEVAN, J.**)*

The relief sought by the petitioner in this writ petition is quash the communication of the first respondent bearing Na.Ka.No.1338/2017/A3 dated 21.09.2017.

2. According to the petitioner, they are the owner of the lands comprised in S.Nos.230, 231, 232, 233, 234(Part), 234/6, 242(Part), 243,



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244, 245(Part), 249(Part), 250(Part), 251, 252 & 253 measuring to an extent of 104.77 Acres situated at Siruseri Village. The State Industries Promotion Corporation of Tamil Nadu Limited (SIPCOT) has allotted the said lands to the petitioner, vide allotment order dated 13.02.2004 and conveyed the same to the petitioner by way of execution of two Sale Deeds dated 06.05.2004 & 16.12.2004 which were registered as Document Nos.1698 of 2004 & 5848 of 2004 respectively. Further, the second respondent vide letters dated 02.09.2004 & 29.04.2005, delivered the physical possession of the said lands to the petitioner. Thereafter, the petitioner has been in possession and enjoyment of the said lands as an absolute owner. While so, at the instigation of the fourth respondent, the first respondent sent a letter bearing Na.Ka.No.1338/2017/A3 dated 21.09.2017 to the petitioner, stating that there is a pond in S.No.243/1 (one of the aforesaid Survey Numbers) which was used by the villagers for grazing their cattle and the petitioner has encroached the said pond by putting up a wall, to which, the petitioner submitted its objections vide letter dated 25.09.2017 and thereafter, filed the present writ petition for the aforesaid relief.



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3. The learned counsel for the petitioner submitted that the subject lands were sold to the petitioner by SIPCOT as part of an initiative by the Government to build a knowledge based integrated Township. He further submitted that since the petitioner is in possession of the land in S.No.243 by virtue of a registered Sale Deed dated 06.05.2004, there cannot be hue and cry by any of the authorities concerned.

4. On the other hand, the learned counsel appearing for the respondents 1 to 3 drew the attention of this court to the counter affidavit filed by the second respondent and submitted that the old revenue records show that S.No.243/1 was classified as Kulam and the said land along with other lands measuring an extent of 700 acres, were acquired by the Government for establishing an IT Park; and in pursuance of the MOU entered between the Government of Tamil Nadu and the petitioner herein, an extent of 104 acres were conveyed by sale deed to the petitioner by SIPCOT. The learned counsel further submitted that what was impugned herein is nothing but a communication sent by the first respondent, thereby directing the petitioner to co-operate with the Tahsildar, Thiruporur, at the



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time of conducting survey of the land in S.No.243/1. The learned counsel further submitted that the survey of the land in S.No.243/1 was conducted on 21.11.2017 and at that time, the petitioner has submitted the documents pertaining to the purchase of said land from SIPCOT. Thus, according to the learned counsel, the management of the lands has to be done by the allottee as per the terms of the allotment in G.O.No.10 dated 03.01.2002 and also as per the covenants in the sale deed executed by SIPCOT.

5. The learned counsel for the fourth respondent submitted that there is a civil dispute pending in respect of the subject land, between the parties. It is also submitted that the land in S.No.243 is not a pond, but is a leveled land, cannot be true, because as per the revenue authorities, the sub division 243/1 with an extent of 0.78.5 Hectares is still a Government poramboke land with water tank (Kulam) and road in that land and therefore, the first respondent and other revenue authorities are liable to restore the tank-bed, water bodies, odai and public road to its original position. Thus, according to the learned counsel, the allegation made in the writ petition is false and hence, the same is liable to be dismissed.



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6. The learned counsel for the fifth respondent reiterated the averments made in the counter affidavit and submitted that the title is in dispute and the petitioner is not an absolute owner as claimed by them; and that a suit in O.S.No.14 of 2018 is pending before the District Court, Chengelpet for cancellation of the sale deed executed in favour of the petitioner. It is also submitted that the land comprised in S.No.241/3 is a pond and the fifth respondent has not initiated any civil work for leveling the land before transferring it to the petitioner.

7. Considering the facts and circumstances of the case and also, having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondent authorities to proceed further, as per law and also after issuing due notice to all the parties concerned. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(R.M.D., J.)

(M.S.Q., J.)

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Index : Yes/No

Speaking Order (or) Non-Speaking Order

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