



WEB COPY

W.P. No.2197 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.2197 of 2024

P.Poosiammal

... Petitioner

Vs.

1.The District Collector
Office of the Collectorate
Thiruvannamalai
Thiruvannamalai District

2. The Special District Revenue Officer (L.A)
Sipcot Extension
Cheyyar
Thiruvannamali District

3. The Special Tahsildar (L.A)
Sipcot Extension
Cheyyar, Cheyyar Taluk,
Thiruvannamali District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for records relating to the impugned G.O. (Ms).No.90 Industries (SIPCOT-LA) dated 14.07.2010, published in Tamilnadu Government Gazette extraordinary No.211 dated 14.07.2010, on the file of the 1st respondent and quash the same as far as the petitioner's land is concerned which is being reserved and classified as “Depressed Class Land” situated at Mathur Village in S.No.372/2 to an extent of 1.11.0 Hectare and in S.No.373/3 to an extent of 1.14 Hectare.



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W.P. No.2197 of 20



For Petitioner : Mr.S.Arokia Mani Raj
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorari, calling for records relating to the impugned G.O. (Ms).No.90, Industries (SIPCOT-LA), dated 14.07.2010, published in the Tamilnadu Government Gazette Extraordinary No.211 dated 14.07.2010, on the file of the 1st respondent and quash the same as far as the petitioner's land is concerned which is being reserved and classified as “Depressed Class Land” situated at Mathur Village in S.No.372/2 of an extent of 1.11.0 Hectare and in S.No.373/3 of an extent of 1.14 Hectare.

2. The case of the petitioner is that the subject land is originally classified as Depressed Class Land and belonged to the husband of the petitioner. The Government issued notification to acquire the land for the purpose of industrial development. Hence, the petitioner sent a petition to the 1st respondent not to acquire the said land who in turn forwarded the same to the 2nd respondent for necessary action. However, no action has been taken on the petitioner's representation and they proceeded with the land acquisition process. Hence, the present writ petition is filed.



3. The contention of the petitioner is that the petitioner is a landless poor. The said notification acquiring the Depressed Class land knocks away with the property envisaged for the landless poor/scheduled caste and hence the impugned notification is bad in law. Even the amount of compensation was only deposited in the Court and the petitioner has not been paid so far.

4. The learned Additional Government Pleader appearing for the respondents submitted that the acquisition proceedings were initiated in the year 2010 and subsequently, the lands were taken over from the land owners and handed over to SIPCOT except one land in S.No.372/3 since the writ petition was pending. However, a larger extent has been acquired for the purpose of establishing industries and the beneficiaries have also been identified and the work is in process. Therefore, the said land alone cannot be removed from acquisition or otherwise, the purpose would not be served. Though the notification was issued in the year 2010, the petitioner has given the representation only in the year 2013. However, the respondents have not passed any final order.

5. Heard and perused the materials available on record.

6. It is seen that the subject land is originally classified as “Depressed Class Land” and the since the petitioner's husband was identified as an



eligible beneficiary, the same was assigned to him. Subsequently, the land was acquired for industrial purpose by SIPCOT. Therefore, considering the special circumstances, the 1st respondent is directed to identify a suitable land within the District and if the petitioner is otherwise eligible, an alternative land shall be provided to the petitioner. It is made clear that this order shall not be shown as precedent in any other cases.

7. With the above directions, this Writ Petition is disposed of at the admission stage itself. There shall be no order as to costs.

05.03.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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