



Rev.Appl. No.216 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26.03.2024

DELIVERED ON : 02.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Review Application No.216 of 2023

Lakshmi Sastry Construction Co.  
rep. by V.K.Subbramanian  
New No.16, Old No.12A  
East Abhiramapuram First Street  
Mylapore, Chennai – 600 004.

.. Applicant

Vs

1. The State of Tamil Nadu  
rep. by its Secretary  
Industries Department  
Fort St. George  
Chennai – 600 009.
2. SIPCOT  
rep. by its Managing Director  
No.19-A, Rukmani Lakshmipathy Street  
Egmore, Chennai – 600 008.
3. The District Collector  
Kancheepuram District  
Kancheepuram.



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4. The Special Tahsildar (LA)  
SIPCOT Oragadam Expansion Scheme  
Sriperumbudur Taluk  
Kancheepuram District.

.. Respondents

Prayer: Application under Order XLVII Rule 1 read with Section 114 of the Civil Procedure Code read with Clause 15 of the Letters Patent to review the judgment dated 23.2.2022 passed in W.A.No.2660 of 2021.

For the Applicant : Mr.Surya Narayanan  
for M/s.Rahul Balaji

For the Respondents : Mr.A.Edwin Prabakar  
State Government Pleader  
assisted by  
Mr.T.K.Saravanan  
Government Advocate  
for respondents 1, 3 and 4

: Mr.R.Maheshwaran  
for Mr.K.Palaniappan  
for 2<sup>nd</sup> respondent

### ORDER

#### THE CHIEF JUSTICE

The present review application is filed seeking review of the judgment and order passed by this court in W.A.No.2660 of 2021, thereby dismissing the appeal and confirming the judgment and order passed by the learned Single Judge.



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2. The applicant claims to have purchased the subject writ land under a registered sale deed dated 24.2.1988. On or about 4.7.2007, a notification was issued by the Government of Tamil Nadu purportedly under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 [for brevity, "*the Act of 1997*"] for expansion of SIPCOT Industrial Area. The applicant objected to the said acquisition of the applicant's land by filing W.P.No.32290 of 2007. The said writ petition was dismissed on 3.6.2008. This court, under the said order, gave liberty to the applicant to approach the second respondent therein for allotment of lands for industrial activities or for dropping of acquisition proceedings.

3. The fourth respondent, on 2.1.2017, communicated to the applicant that an award was passed on 27.4.2011 by the third respondent in respect of the applicant's land. The applicant filed W.P.No.16843 of 2017 seeking declaration that the acquisition proceedings were null and void and that acquisition proceedings lapsed. The learned Single Judge dismissed the writ petition under



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judgment and order dated 26.8.2021. The applicant challenged the same by filing W.A.No.2660 of 2021. The Division Bench of this court under judgment and order dated 23.2.2022 dismissed the writ appeal. The applicant seeks review of the said judgment.

4. Mr.Surya Narayanan, learned counsel for the review applicant, contends that the alleged award dated 27.4.2011 was never served on the applicant. The applicant could receive the copy of the said award only in the year 2020.

5. It is further submitted by learned counsel for the applicant that the award, which is served upon the applicant more than nine years after the date of passing, does not contain any specific reference to the applicant's land and merely contains a vague reference of the survey number of the applicant's land. The award dated 27.4.2011 is in violation of the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001.

6. We have heard Mr.A.Edwin Prabakar, learned State



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Government Pleader appearing on behalf of respondents 1, 3 and 4;  
and Mr.R.Maheshwaran, learned counsel for the second respondent.

7. It is trite that the jurisdiction of this court in exercise of its power under review is in a narrow compass. The review cannot be considered as an appeal in disguise. The review can only be considered on an error apparent on the face of the record.

8. We have perused the judgment delivered by this court while dismissing the appeal filed by the applicant.

9. It would appear that the third respondent had issued a notice under Section 3(2) of the Act of 1997 for acquiring the land in question for industrial purpose and called upon the applicant to raise objection, if any, for the acquisition. The applicant submitted objection to the third respondent. The objection was considered and negatived. The order under Section 4(2) of the Act of 1997 was issued requiring the applicant to surrender the lands and/or deliver possession.



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10. It appears that the applicant was all along objecting the acquisition. It is not disputed that the notice under Section 3(2) of the Act of 1997 was issued. Subsequently, notice under Section 4(2) of the Act of 1997 was also issued for delivery of possession. Thereafter, notice under Section 7(5) and 7(7) of the Act of 1997 is also issued. The Division Bench of this court, while delivering the judgment under review, has reproduced the gist of the earlier litigations; the orders passed therein; and the rejection of the objection of the applicant to the notice for possession and acquisition. The award came to be passed in the year 2011.

11. The acquisition is under the Act of 1997 and not under the provisions of the Land Acquisition Act, 1894, so as to apply the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Section 8 of the Act of 1997 also prescribes a remedy for reference if the applicant is aggrieved by the non-payment of the compensation amount.



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12. We do not find any procedural infraction on the part of the authorities in the conduct of the acquisition proceedings. The Division Bench, while dismissing the writ appeal of the applicant, has considered threadbare all the relevant aspects of the matter; the contentions of the parties; and has arrived at a conclusion.

13. The learned Single Judge has also considered the entire gamut of the dispute and the contentions of the parties.

14. We do not find any error apparent on the face of the record. No grounds are set out to impel this court to exercise its review jurisdiction.

15. For the foregoing reasons, the review application is dismissed. If any remedy subsists for the applicant to seek enhanced compensation amount by filing reference or otherwise, the applicant may avail the said remedy, of course subject to the limitation period as may be applicable.



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There shall be no order as to costs. Consequently,  
C.M.P.No.27383 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

02.04.2024

Index : No  
Neutral Citation : No  
sasi

To

1. The Secretary  
State of Tamil Nadu  
Industries Department  
Fort St. George  
Chennai – 600 009.
2. The Managing Director  
SIPCOT  
No.19-A, Rukmani Lakshmipathy Street  
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