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W.A.No.385 of 2014, etc and batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.Nos.385 to 387 of 2014

and

W.P.Nos.23041, 23042, 26027, 26235, 28143 of 2013, 8998 of 2014, 18356, 18357, 18564 of 2015, 21865 to 21878, 25683, 25691, 25699, 25705, 25723, 25730, 25735, 25746, 25753, 25763, 28446, 28463, 28486, 28777, 28784 of 2018, 2477, 33008, 33009 of 2019, 3287 & 6285 of 2020

and

M.P.Nos.1, 1, 1 of 2014, & 1, 1, 1 of 2013, 2, 2, 2 of 2013, 2 of 2014, 2, 2, 2 of 2015, & W.M.P.Nos.25639 to 25676, 25781, 38367 to 38370, 38372, 38374, 38377, 38380, 38382, 38385 to 38387, 38391, 38394, 38397, 29864, 29866, 29868, 38354, 29875, 29876, 29879, 38401, 29885, 29886, 29889, 38357, 29912, 29913, 38406, 29910, 29920, 29921, 38408, 38361, 29928, 29929, 29931, 29936, 38413, 29934, 29935, 29945, 29947, 29948, 28359, 29953, 29955, 29960, 38364, 29972, 29973, 29977, 38414, 33175, 33179, 33186, 33206, 33211, 33213, 33235, 33240, 38418, 38463, 38486, 28784, 38422, 38423, 33618, 33622, 33628, 33620 of 2018, & 2760 of 2019, 3804 of 2020, 18679 of 2021



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W.A.No.385 of 2014:

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R.Palaniswamy

... Appellant

Vs.

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Industries Department, Secretariat,
Chennai – 600 009.
- 2.The District Collector,
Kancheepuram District,
Kancheepuram.
- 3.The Special Tahsildar (Land Acquisition),
Sipcot, Irungattukottai Extension Scheme,
No.41-A, Thirumangai Alwar Street,
Sriperumbudur – 602 105.
- 4.The Managing Director,
Sipcot,
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.
- 5.Sub Registrar,
Office of the Sub Registrar,
Sriperumbudur,
Kancheepuram District.

... Respondents

Prayer in WA.No.385/2014: Writ Appeal filed under Clause 15 of Letters Patent to set aside order passed by the learned Single Judge of this Court dated 03.01.2014 passed in W.P.No.35115 of 2013.



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For Appellants	: Mr.Suhrith Parthasarathy (in all WAs)
For R1 to R3 & R5	: Mr.A.Selvendran Special Government Pleader (in all WAs)
For R4	: Ms.R.Revathi Radhakrishnan Standing Counsel [For SIPCOT] (in all WAs)

COMMON JUDGMENT

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The writ appeals are preferred by the unsuccessful land losers challenging the land acquisition proceedings initiated in G.O.Ms.No.67, Industries (SIPCOT-LA) dated 28.03.2013.

2. The Government of Tamil Nadu issued Notification under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 for establishing industries through SIPCOT. The said notifications are came to be challenged by way of writ proceedings. The Writ Court elaborately considered the issues and the validity of the notification issued by the Government of Tamil Nadu under Section 3(1) of the Tamil Nadu



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Acquisition of Land for Industrial Purposes Act, 1997. Three writ petitions are filed challenging the 3(1) notification under the Act.

3. The writ petitions were dismissed by the learned Single Judge on 03.01.2014 mainly on the ground of laches. Those writ petitioners, who were unsuccessful preferred three writ appeals in W.A.Nos.385 to 387 of 2014. The other writ petitions filed by the land owners are also tagged along with these writ appeals.

4. Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of the State would submit that the Government required land for developing industrial area and therefore, they have decided to pursue the land acquisition proceedings. On account of interim stay granted in the present writ appeals, the respondents are unable to complete the process of acquisition and pass an award.

5. Mr.Suhrith Parthasarathy, learned counsel appearing on behalf of the appellants and the other respective learned counsels representing the case of the land owners would object by stating that on account of efflux of time



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the acquisition proceedings are deemed to be lapsed. Therefore, in the event of taking a decision to utilise the lands for public purposes, the Government has to initiate fresh proceedings.

6. We are unable to agree with the said contention in view of the fact that the land acquisition proceedings are stalled on account of writ petitions filed and the interim stay granted by this Court. Litigious pendency cannot be a ground to seek exoneration from the proceedings. Therefore, we are not inclined to accept. More so, the learned Special Government Pleader would submit that the Government required lands for industrial purposes and they have decided to continue the acquisition proceedings.

7. We do not find any infirmity in respect of 3(1) Notification issued during the relevant point of time. The writ petitions itself were dismissed by the learned Single Judge in respect of three land owners only on the ground of laches. However, other writ petitions instituted did not suffer from delay and laches. In any event, the land owners must be provided with an opportunity to submit their respective objections enabling the authorities to proceed with the land acquisition proceedings under the Act.



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8. The learned counsels for the land owners would further submit that they have got certain valid grounds for the purpose of invalidating the initiation of acquisition proceedings. All those grounds may be submitted by way of objections before the Land Acquisition Officer, who in turn has to consider the grounds and pass appropriate orders by following due process.

9. In respect of the land owners, where the award has already been passed and dispute exist between the private parties regarding title, they are at liberty to approach the Civil Court of Law for the purpose of establishing their right to receive compensation. However, those disputed parties are also at liberty to submit their objections to the authorities competent for taking a decision and passing orders.

10. As far as the writ petitions in W.P.Nos.33008 and 33009 of 2019 are concerned, Mr.A.V.Somasundaram, learned Senior Counsel would submit that the Revenue Authorities have not properly considered the title documents produced by the writ petitioners for grant of compensation. However, dispute of civil nature regarding title exist between the writ



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petitioners and the contesting respondents. Such dispute regarding title cannot be adjudicated by the Revenue Authorities including Land Acquisition Officer.

11. On account of efflux of time and due to the long pendency of the writ petitions and writ appeals, we are inclined to grant liberty to all the land owners to submit their respective objections along with the documents, if any within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of such objections, if any, the competent authorities / Land Acquisition Officer shall consider the same on merits and in accordance with law, if necessary by affording an opportunity and thereafter pass orders as expeditiously as possible. The authorities competent are at liberty to decide all the grounds and the question of law including the compensation to be settled, whether under the old Act or under the new Acquisition Act.

12. However, the respondents shall verify the title documents produced by the petitioners once again including that of the documents produced by the other contesting respondents and take an appropriate decision and pass order on merits and in accordance with law. In the event of



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any title dispute exist between the parties, then the parties are to be relegated to approach the Competent Civil Court of Law for the purpose of resolving the disputes and only thereafter the compensation due to them is to be settled in accordance with law.

13. With the above directions, all the Writ Petitions and Writ Appeals are disposed of. Consequently, connected Miscellaneous Petitions are closed. However, there shall be no orders as to costs.

[S.M.S., J.] [C.K., J.]
10.06.2024

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Index : Yes
Speaking order
Neutral Citation : Yes



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To

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- 1.The Secretary to Government,
The State of Tamil Nadu,
Industries Department, Secretariat,
Chennai – 600 009.
- 2.The District Collector,
Kancheepuram District,
Kancheepuram.
- 3.The Special Tahsildar (Land Acquisition),
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and
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