



W.P.No.17731 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17731 of 2024

Kongu Vellalar Kalvi Niruvanam,
Represented by its President,
Perundurai, Erode District-638 052.

...Petitioner

Vs.

1. The State represented by its Principal Secretary,
Industrial Department,
Fort St.George, Chennai-600 009.

2. State Industrial Promotion Corporation (SIPCOT),
(A Govt of Tamil Nadu Undertaking)
Represented by its Managing Director,
No.19-A, Rukamani Lakshmipathy Road,
Post Box no. 7223,
Egmore, Chennai – 600 008

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to pass appropriate orders on the recommendation of the second respondent in Lr.No.La/New Acquisition/Perundurai/ 09 dated 07.01.2020 in a time bound manner and pass orders.



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For Petitioner : Mr. V. Raghavachari, Senior Advocate
for Mrs.V.S.Usharani

For Respondent-1 : Mr.A.M. Ayyadurai,
Government Advocate

For Respondent-2 : Mr.Abishek Murthy
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondents directing the first respondent to pass appropriate orders on the recommendation of the second respondent in Lr.No.La/New Acquisition/Perundurai/ 09 dated 07.01.2020 in a time bound manner.

2. Mr.A.M. Ayyadurai,Government Advocate takes notice for the first Respondent. Mr.Abishek Murthy, standing counsel takes notice for the second respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The facts of the case is that the petitioner trust is running a school in a leased premises where the land belongs to the Sellandiamman



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Temple, Perundurai which is under the Control of the HR & CE Department and paying rent. Thereafter, the Petitioner's Trust purchased the lands covered under Survey Nos.394,395,396 and 397 of Perundurai Village and revenue records also mutated in the name of the Petitioner Trust. The first Respondent had acquired the said lands for Perundurai Industrial Growth Centre (SIPCOT). Subsequently the lands covered under Survey Nos.394,397 of Perundurai Village were exempted from acquisition by SIPCOT pursuant to the orders of this Court in W.P.No.17000 of 1995 dated 19.12.1997. Thereafter, the petitioner approached the respondent with a request to exempt the lands in Survey Nos.395 and 396 from the acquisition proceedings and enable the Petitioner Trust to run an Educational Institution in the said lands. Pursuant to which the second respondent vide order Lr.No.La/New Acquisition/Perundurai/ 09 dated 07.01.2020 sent a recommendation to the first respondent to exempt the lands in Survey Nos.395 and 396. However, the first respondent has not passed any orders on the recommendations made by the second respondent in Lr.No.La/New Acquisition/Perundurai/ 09 dated 07.01.2020. Hence, this Petition.



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4. The learned counsel appearing for the petitioner submitted that due to the inaction of the first respondent in not passing orders on the recommendations made by the second respondent, the Petitioner Trust is not able to proceed with the proposal which is also detrimental to the interest of the children studying in the school . Hence prays to allow this petition.

5. Learned Government Advocate appearing for the first respondent submitted that they would consider the case of the petitioner after affording an opportunity of personal hearing and pass orders.

6. Considering the facts and circumstances of the case, the first respondent is directed to issue notice to the parties concerned and thereafter, conduct an enquiry by providing an opportunity of personal hearing to the petitioner and also take steps to pass orders in Lr.No.La/New Acquisition/Perundurai/ 09 dated 07.01.2020 within a period of three months from the date of receipt of a copy of this Order.



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7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

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Index: Yes/No
Speaking order/Non-speaking order
smn

Copy To:

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V.BHAVANI SUBBAROYAN,J.

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