



W.P.No.19455 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2024

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.19455 of 2018 and
W.M.P.No.22883 of 2018

Vimalavisvanathan

...Petitioner

Versus

1. State of Tamil Nadu
Rep. by its the Principal Secretary,
Department of Industries,
Fort St.George, Chennai.
2. The District Collector,
Kanchipuram District.
3. The Special Tahsildar (L) Unit,
SIPCOT, Sriperumbudur Expansion Scheme II
Sriperumbudur, Kanchipuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorafi calling for the records of the first respondent in G.O.Ms.No.130 (Industries SIPCOT – LA) Department dated 20.06.2012 and published in the Tamilnadu Government Gazette extra ordinary in Part II Section 2 dated 20.06.2012 and quash the same insofar as the petitioner's land viz Plot Nos.21 and 22 at Mahakavi Subramania Bharathi Nagar Phase I layout in S.No.242/62 Eariyur-Vaipur Village, Sriperumbudur Taluk, Kanchipuram District.



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W.P.No.19455 of 2018

For Petitioner : Mr.A.Muthukumar

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader

ORDER

This writ petition has been filed seeking to quash the acquisition proceedings in G.O.Ms.No.130 (Industries SIPCOT – LA) Department dated 20.06.2012 insofar as the petitioner's land is concerned.

2 According to learned counsel for the writ petitioner, the writ petitioner purchased two house plots bearing Nos.21 and 22 in Mahakavi Subramaniya Bharathi Nagar 1st stage, approved layout, measuring an extent of 5,108 sq.feet under a registered sale deed dated 14.07.1986 for the purpose of her own residential use after retirement and since the petitioner's avocation in Chennai, she could not construct house thereon. The first respondent issued a notice on 22.04.2010 for acquisition of her property under the Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997, (in short 'the Act') and notice was issued. Immediately the petitioner sent an objection for the acquisition, but, without considering the same notice under Section 3(1) of the Act was issued on 20.06.2012.



W.P.No.19455 of 2018

WEB COP

2.1 Further as per the Land Acquisition Act, 1894, award should be passed within two years from the date of declaration under Section 6(A) of the Act, if not, the proceedings would be lapsed. In the same way, even though there is no time limit specified in the Act, subsequent amendment fixed six months and therefore Award was not passed within six months from the date of notification under Section 3(1) of the Act. Further even though the Award was passed in the year 2020, which is not pertains to the survey number of the petitioner's land and before passing the Award, no notice was served on the petitioner and pending this writ petition only they served notice. Therefore the acquisition proceedings lapsed and the petitioner is entitled to retain his land.

3 Learned Additional Government Pleader for the respondents would submit that even though notification under Section 3(1) of the Act was published, subsequently New Act came into force and after giving notice to all the land owners Award was passed on 05.11.2020 in Award No.01/2020, in which Survey Number of the petitioner's land is there and the petitioner was put on notice dated 15.02.2021, but the petitioner did not turn up to receive the compensation and therefore the award amount was kept in revenue. The compensation was determined as per the Central Act 30/2013 with all statutory



W.P.No.19455 of 2018

WEB COPY

4 Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

5 It is the grievance of the writ petitioner that even though acquisition proceedings started in the year 2010 Award was not passed within reasonable time and hence the acquisition proceedings got lapsed.

6 The land was acquired under the Act, where there is no prohibition clause that the Award should be passed within six months from the date of notification under Section 3(1) of the Act and the Court cannot interpret the law as contended by the learned counsel for the writ petitioner. From the additional counter affidavit filed on behalf of the respondents 2 and 3, it is seen that the Award was passed on 05.11.2020 in Award No.01/2020, in which Survey Number of the petitioner's land is there and compensation was determined as per the Central Act 30/2013 with all statutory benefits.



W.P.No.19455 of 2018

WEB COPY 7

In view of the above reasons, the writ petition shall stand dismissed. No costs. Consequently connected miscellaneous petition is closed. However, the petitioner is at liberty to workout his remedy in the manner know to law.

13.02.2024

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Speaking Order/Non Speaking Order

Neutral Citation : Yes/No

To

1. The Principal Secretary, Department of Industries,
Fort St.George, Chennai.
2. The District Collector,
Kanchipuram District.
3. The Special Tahsildar (L) Unit,
SIPCOT, Sriperumbudur Expansion Scheme II
Sriperumbudur, Kanchipuram District.



WEB COPY



W.P.No.19455 of 2018

P.VELMURUGAN, J.,

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