



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED:19.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.28919 of 2022
and WMP.Nos.28216 and 28217 of 2022

Capt.D.K.Chaturvedi

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep.by its Secretary,
The Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

2.The District Collector,
Kancheepuram District,
Kancheepuram – 631 502.

3.The Special Tahsildar,
Land Acquisition,
Unit – II, SIPCOT,
Oragadam Expansion Scheme -II,
Sriperumbudur,
Kancheepuram District – 602 105.

4.The Managing Director,
SIPCOT Unit – III,
Sriperumbudur Expansion Scheme,
19-A, Rukmani Lakshmipathi Salai,
Egmore, Chennai – 600 008.

... Respondents



Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records of the 1st respondent in G.O.Ms.No.VI(1)/128(a-7)/2022 under Sub Section (1) of Section 3 of the Tamil Nadu Acquisition of land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) dated 23.03.2022 to quash the same in so far as to the petitioner property, being the housing site in Plot No.339 in Survey No.56/3 to an extent of 2400 Sq.ft in VGP Jayanthi Town Part I situated in No.180, Mathur Village, Sriperumbudur Taluk, Chengalpattu District.

For Petitioner	: Mr.M.Rajasekhar
For Respondents	: Mr.A.Selvendran
	Special Government Pleader
	for R1 to R3
	Mr.Abishek Murthy
	Standing Counsel for R4

ORDER

This writ petition is filed challenging the Section 3(1) notification issued under Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (herein after called as Industrial Purposes Act) for acquiring the petitioner's property in Plot No.339 in Survey No.56/3 to an extent of 2400 Sq.ft in VGP Jayanthi Town Part I situated in No.180, Mathur Village, Sriperumbudur Taluk, Chengalpattu District.



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2. It is the case of the petitioner that above mentioned property was purchased by him on 11.01.1990 under registered sale deed. The second respondent had issued notification under Section 3(2) of Industrial Purposes Act on 27.10.2009 for acquisition of lands for development of Oragadam Industrial Growth Centre, SIPCOT. The petitioner and other land owners challenged the said notification by filing writ petition in W.P.No.6545 to 6548, 18426, 18070, 18128 of 2010. The batch of writ petitions including petitioner's writ petition in W.P.No.18070 of 2010 was disposed of by this Court on 30.08.2010 by granting liberty to the petitioner to approach the second respondent on or before 13.09.2010 to submit his objections against acquisition. The second respondent was directed to conduct enquiry and pass final orders and communicate the same to the Government. This Court also directed that the final publication if any under Section 3(1) of Industrial Purposes Act shall be made only thereafter.

3. It is the further case of the petitioner that pursuant to the above mentioned direction issued by this Court, the petitioner submitted his objection to the second respondent. However, the second respondent did not



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conduct any enquiry as per the directions issued by this Court. Subsequently, nearly after eleven years, the impugned 3(1) notification was issued for acquisition of petitioner's land. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner raised the following two points in support of his prayer:

(i) The impugned notification under Section 3(1) of Industrial Purposes Act has been issued nearly after 11 years from the date of issuance of Section 3(2) notice. The learned counsel submitted that even if there is no time limit under the provisions of Industrial Purposes Act, for issuing notification under Section 3(1), the authorities are expected to issue 3(1) notification within reasonable time from the date of issuance of 3(2) notification. In support of the said contention, the learned counsel relied on the judgment by this Court in *K.V.Krishna Iyer Vs. The State of Madras represented by the Secretary to the Home Department and another* reported in 80 L.W page 544;

(ii) The learned counsel further submitted that even though this



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Court in the writ petitions filed by the petitioner and other land owners directed the second respondent to conduct enquiry and pass orders, the second respondent has not conducted any enquiry pursuant to the direction issued by this Court. Therefore, according to him, the impugned notification under Section 3(1), which has been issued without conducting any enquiry as directed by this Court in W.P.No.6545 of 2010 and batch cases referred above is liable to be quashed.

5. Per contra, the learned Special Government Pleader who appears for the respondents 1 to 3 by taking this Court to the counter affidavit filed by the respondents 2 and 3 submitted that the developer of the land under acquisition has filed writ petitions in W.P.Nos.2055 and 2056 of 2010 before this Court challenging the notices published under Section 3(2) of Industrial Purposes Act. The said writ petitions were allowed by this Court on 10.07.2012, challenging the same, the Government preferred Writ Appeal Nos.3696 of 2019 and 1710 of 2017 and those writ appeals came to be disposed of only on 11.07.2023 and 01.02.2018. Since the Writ Appeal was pending in respect of the portion of the land covered by 3(2) notice, the



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respondents could not proceed with issuance of 3(1) notification till the disposal of the Writ Appeal and immediately after disposal of the Writ Appeal on 01.02.2018, the 2nd respondent proceeded with the matter and impugned notification was issued on 23.03.2022. It is also brought to the notice of this Court that the connected Writ Appeal Nos.3696 and 3631 of 2019 were disposed only on 11.07.2023. The learned Special Government Pleader further submitted that as per the directions issued by this Court, an enquiry was conducted in the office of the second respondent on 18.01.2010 and the objection of the petitioner was received and considered.

6. This Court in W.P.No.6545 of 2010 batch cases directed the petitioner to submit his objection before the second respondent on or before 13.09.2010 and the second respondent was further directed to hold an enquiry, pass order and communicate the same to the Government. The 3(1) notification if any shall be issued only after conducting enquiry as directed by this Court. Though the petitioner submits that no enquiry was conducted by the second respondent as per the directions issued by this Court, a reading of the representation of the petitioner dated 11.08.2011, which is enclosed in the typed set of papers goes against the case of the petitioner. In his



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representation, the petitioner in reference No.I clearly admitted that enquiry was conducted by the second respondent on 14.02.2011 and in the body of the representation also the petitioner clearly admitted that with reference to his representation, an open enquiry was conducted by District Collector, Kancheepuram. There is a clear admission by the petitioner that an enquiry was conducted at the District Collectorate, Kancheepuram on 14.02.2011 and in reference No.III, he referred about his representation dated 14.02.2011(wrongly typed as 14.02.2001) and 20.09.2010. In view of the clear admission made by the petitioner himself in his representation dated 11.08.2011 submitted to the Chief Minister Cell that after disposal of the writ petition, he has submitted two representations and an enquiry was conducted by the second respondent on 14.02.2011 in the District Collectorate, Kancheepuram, the submission made by the learned counsel for the petitioner that no enquiry was conducted pursuant to the directions issued by this Court in the earlier writ petition is not acceptable. Even in the counter affidavit, it is asserted by the respondent that enquiry was conducted on 14.02.2011 and the same is clearly admitted by the petitioner in his representation dated 11.08.2011.



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7. The impugned notification was also challenged by the petitioner on the ground that there was unreasonable delay on the part of the respondent in issuing 3(1) notification, after disposal of the writ petition filed by the petitioner and others on 30.08.2010. This Court has no quarrel with the submission made by the learned counsel for the petitioner that even though, there is no time limit prescribed under Industrial Purposes Act for issuing 3(1) Notification, the same shall be issued within a reasonable time from the date of 3(2) Notification. In the case on hand, the writ petition filed by the petitioner was disposed on 30.08.2010 and enquiry was conducted on 14.02.2011. However, 3(1) notification was issued by the respondent only on 23.03.2022 nearly after eleven years. The delay was explained by the respondents in the counter affidavit. Some of the other land owners and the developer of the land filed writ petitions challenging 3(2) notice before this Court and the same was allowed by the Single Judge. Challenging the same, the respondents filed writ appeals in W.A.Nos.3696 and 3631 of 2019 and 1710 of 2017. Those writ appeals are relating to the portion of the properties covered by 3(2) notice. The writ appeal No.1710 of 2017 relating to Block -I came to be disposed of on 01.02.2018 and the other



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Writ appeals in W.A.Nos.3696 and 3631 of 2019 came to be disposed of only on 11.07.2023. After disposal of the writ appeal relating to Block-1, the respondents issued impugned notification on 23.03.2022, therefore, the reason given by the respondents for delay is the pendency of the writ appeals relating to other lands covered by the land acquisition notification. Since the pendency of the writ appeal is cited as reasons for delay in issuing 3(1) notification, this Court is not impressed by the argument made by the learned counsel for the petitioner that there is an unreasonable delay in issuing 3(1) notification.

8. Hence, both the submissions made by the learned counsel for the petitioner are rejected and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

19.10.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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S.SOUNTHAR, J.

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