



W.P. Nos.35370, 35481 & 35396 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. Nos.35370, 35481 & 35396 of 2023

and

W.M.P.Nos.35343, 35345, 35454 & 35365 of 2023

S.V. Pattabiraman

... Petitioner (in all WP's.)

Vs.

1.Government of Tamil Nadu,

Rep.by The Secretary, Industrial Department,
Fort St. George, Chennai – 600 009.

2.The District Collector,

Kancheepuram District, Kancheepuram.

3.The Managing Director,

State Industries Promotion Corporation of Tamil Nadu (SIPCOT)
Guindy Industrial Estate, Chennai – 600 032.

4.The Special Tahsildhar (Land Acquisition),

State Industries Promotion Corporation of Tamil Nadu (SIPCOT)
Sriperumbudur Scheme,
SIPCOT Unit VI, No.37, 1st Floor, Bangalore Trunk Road,
Sriperumbudur, Kancheepuram District.

... Respondents (in all WP's.)



W.P. Nos.35370, 35481 & 35396 of 2023

WEB COPY

Prayer in W.P.No.35370 of 2023 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent relating to the G.O.Ms.No.253 Industries (MID-II) 24th September 1997 published in Tamil Nadu Gazette Extra Ordinary No.479, part- II Section-2 dated 25.9.1997 and quash the same in so far as it relates to survey Nos. 286/2A, 286/2B, 286/6,7,8 296/2 A2, 296/2 ,296/2A, 296/2, 296/4, 296/6, 296/11,12, 13, 14 and 15 of Ponthur C Village Sriperumbudur Taluk Kanchipuram District and consequently direct the respondents to release the lands comprised in Survey Nos. 286/2A, 286/2B, 286/6, 7,8 296/2 A2, 296/ 2, 296/2A, 296/2, 296/4, 296/6, 296/11,12, 13,14 and 15 of Pondur C Village Sriperumbudur Taluk, Kanchipuram District.

Prayer in W.P. No.35481 of 2023 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to release the land to an extent of 0.15.5 ares in S.No.291/2A and an extent of 0.03.0 ares of land in S.No.291/2B of Pondur, C- Village Sriperumbudur Taluk, Kanchipuram District.

Prayer in W.P. No.35396 of 2023 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay compensation for acquisition of lands in



W.P. Nos.35370, 35481 & 35396 of 2023

S.Nos. 296/1A1A, 3, 5A, 7, 8, 9, 10 and 24, 286/10 to 20, 286/24, 287/2A, 287/2B1, 287/2C of Pondur 'C' Village Sriperumbudur Taluk, Kanchipuram District.

For Petitioners in all W.Ps. : Mr. K. Sakthivel

For Respondents in all W.Ps: Mr. P. Muthukumar,
Additional Advocate General,
Assisted by Mr. John Raja Singh,
Addl. Government Pleader, (for RR-1, 2 & 4)
and Mr. K. Palaniappan,
Standing Counsel for SIPCOT. (for R3)

COMMON ORDER

Prayer in W.P.No.35370 of 2023 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent relating to the G.O.Ms.No.253 Industries (MID-II) 24th September 1997 published in Tamil Nadu Gazette Extra Ordinary No.479, part- II Section-2 dated 25.9.1997 and quash the same in so far as it relates to survey Nos. 286/2A, 286/2B, 286/6,7,8 296/2 A2, 296/2 ,296/2A, 296/2, 296/4, 296/6, 296/11,12, 13, 14 and 15 of Ponthur C Village Sriperumbudur Taluk



W.P. Nos.35370, 35481 & 35396 of 2023

Kanchipuram District and consequently direct the respondents to release the lands comprised in Survey Nos. 286/2A, 286/2B, 286/6, 7,8 296/2 A2, 296/ 2, 296/2A, 296/2, 296/4, 296/6, 296/11,12, 13,14 and 15 of Pondur C Village Sriperumbudur Taluk, Kanchipuram District.

2. **Prayer in W.P. No.35481 of 2023 :** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to release the land to an extent of 0.15.5 ares in S.No.291/2A and an extent of 0.03.0 ares of land in S.No.291/2B of Pondur, C- Village Sriperumbudur Taluk, Kanchipuram District.

3. **Prayer in W.P. No.35396 of 2023 :** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay compensation for acquisition of lands in S.Nos. 296/1A1A, 3, 5A, 7, 8, 9, 10 and 24, 286/10 to 20, 286/24, 287/2A, 287/2B1, 287/2C of Pondur 'C' Village Sriperumbudur Taluk, Kanchipuram District.

4. The learned counsel for the petitioner submitted that the



W.P. Nos.35370, 35481 & 35396 of 2023

requisitioning body has not paid the Award amount and the land pertaining to two survey numbers, had not been acquired. Therefore, the present Writ Petitions are filed.

5. The Government has filed the typed set in which it is stated that the possession was already taken in the year 1999 itself and the amount was also deposited before the Treasury.

6. Since the possession was already taken way back in the year 1999 itself, the payment of compensation under the New Act 30/2013 would not arise. Further, the respondents have also deposited the amount in the Treasury. Therefore, the petitioners are at liberty to produce the documents to show the ownership before the respondents and in case the petitioners produce all the documents, the respondents are directed to issue necessary orders to withdraw the said amount deposited.

7. As far as 2 survey Numbers, ie. S.Nos.291/2A and 291/2B are concerned, the learned counsel for the petitioner submitted that the lands



W.P. Nos.35370, 35481 & 35396 of 2023

were not acquired. Therefore, they have to acquire the land and pay the compensation under the New Act, since the said land is neither covered under the notification, nor covered under the Award. Already this land is also within the surroundings of the other acquired lands.

8. Though the two survey numbers have been omitted to be mentioned in the notification, the land was also acquired and the possession was taken in the year 1999 itself and handed over to the requisitioning body, namely SIPCOT, which had also taken the land and enjoying the land for more than the statutory period. Therefore, the petitioners not entitled to get back the land or fresh acquisition would not arise. Since both the lands were already acquired with the other lands and the respondents deposited the amount for the said survey numbers also, under these circumstances since the petitioner has not approached this court within a reasonable time or statutory period knowing fully well that the possession of these two lands are also taken and the amount deposited,



W.P. Nos.35370, 35481 & 35396 of 2023

WEB COPY

now he cannot take advantage of the mistake committed by the acquisitioning body. If at all these two lands alone are acquired, then the lapse would arise. However, these two survey numbers were taken along with other acquired lands and physical possession of these lands was also taken over along with other acquired lands. Under these circumstances, either fresh acquisition or compensation under the new Act would not arise, since the lands were taken possession in 1999 itself and the amount of compensation was also deposited in the Treasury.

9. With the above observations, these Writ Petitions are dismissed. Consequently, the connected miscellaneous petitions are also closed. There shall be no order as to costs.

28.02.2024

Index : Yes / No
Speaking Order : Yes / No
Neutral Case Citation : Yes/No

Ksa-2



W.P. Nos.35370, 35481 & 35396 of 2023

WEB COPY

To

- 1.The Secretary,
Government of Tamil Nadu,
Industrial Department,
Fort St. George, Chennai – 600 009.
- 2.The District Collector,
Kancheepuram District, Kancheepuram.
- 3.The Managing Director,
State Industries Promotion Corporation of Tamil Nadu (SIPCOT)
Guindy Industrial Estate, Chennai – 600 032.
- 4.The Special Tahsildar (Land Acquisition)
State Industries Promotion Corporation of Tamil Nadu (SIPCOT)
Sriperumbudur Scheme,
SIPCOT Unit VI, No.37, 1st Floor, Bangalore Trunk Road,
Sriperumbudur, Kancheepuram District.



WEB COPY



W.P. Nos.35370, 35481 & 35396 of 2023

P.VELMURUGAN. J.

Ksa-2

W.P. Nos.35370, 35481 & 35396 of 2023
and
W.M.P.Nos.35343, 35345, 35354 & 35365 of 2023

28.02.2024