



Order dated 18.03.2024 in
W.P.Nos.770, 782, 783 and 788 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.03.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.770, 782, 783 and 788 of 2024
and
W.M.P.Nos.787, 788, 804, 806, 807 and 813 of 2024
--

S.Venkatesan

.. Petitioner in all the Writ Petitions

Vs.

1. The Managing Director,
SIPCOT, Egmore, Chennai-600 008.
2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai-606 604.
3. The Special District Revenue Officer
(Land Acquisition),
SIPCOT, Cheyyar,
Thiruvannamalai District-604 407.
4. The Special Tahsildar (Land Acquisition) (Part IV),
SIPCOT, Cheyyar - 604 407
Thiruvannamalai District.

.. Respondents in all the Writ Petitions

Writ Petition No.770 of 2024 filed under Article 226 of the Constitution of

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India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned proceedings in Na.Ka.No.Aa2/57/2021, dated ...-06-2023 (signed on 23.06.2023) on the file of the fourth respondent and quash the same in so far as the same relates to the property of the petitioner comprised in S.No.24 of Perumpulimedu Village, Cheyyar Taluk, Thiruvannamalai District.

Writ Petition No.782 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned proceedings in Na.Ka.No.Aa2/57/2021, dated ...-10-2023 (signed on 18.10.2023) on the file of the fourth respondent and quash the same in so far as the same relates to the property of the petitioner comprised in S.No.25A/1 of Perumpulimedu Village, Cheyyar Taluk, Thiruvannamalai District.

Writ Petition No.783 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned proceedings in Na.Ka.No.Aa2/59/2021, dated ...10-2023 (signed on 12.10.2023) on the file of the fourth respondent and quash the same.

Writ Petition No.788 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned proceedings in Na.Ka.No.Aa2/58/2021, dated ...-10-2023 (signed on 12.10.2023) on the file of the fourth respondent and quash the same.

For petitioner in all W.Ps. : Mr.R.Selvakumar

For respondents in all W.Ps. : Mr.Palaniappan, Standing Counsel for

SIPCOT for R-1

Mr.A.Selvendran, Spl.G.P. for RR-2 to 4

COMMON ORDER

Writ Petition No.770 of 2024 filed under Article 226 of the Constitution of



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India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned proceedings in Na.Ka.No.Aa2/57/2021, dated ...-06-2023 (signed on 23.06.2023) on the file of the fourth respondent and quash the same in so far as the same relates to the property of the petitioner comprised in S.No.24 of Perumpulimedu Village, Cheyyar Taluk, Thiruvannamalai District.

2. Writ Petition No.782 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned proceedings in Na.Ka.No.Aa2/57/2021, dated ...-10-2023 (signed on 18.10.2023) on the file of the fourth respondent and quash the same in so far as the same relates to the property of the petitioner comprised in S.No.25A/1 of Perumpulimedu Village, Cheyyar Taluk, Thiruvannamalai District.

3. Writ Petition No.783 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned proceedings in Na.Ka.No.Aa2/59/2021, dated-10-2023 (signed on 12.10.2023) on the file of the fourth respondent and quash the same.

4. Writ Petition No.788 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned proceedings in Na.Ka.No.Aa2/58/2021, dated



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....-10-2023 (signed on 12.10.2023) on the file of the fourth respondent and quash the same.

5. These Writ Petitions have been filed challenging the land acquisition proceedings of the fourth respondent.

6. The main grievance of the petitioner (very same petitioner in all the four Writ Petitions) is that though the land(s) in question were acquired, subsequently, the Award enquiry notice was not served on the petitioner, and he was not given an opportunity of hearing before passing of the Award and without giving an opportunity of hearing, arbitrarily, the Award was passed, and therefore, the same is challenged in these Writ Petitions.

7. The learned Special Government Pleader appearing for the respondents 2 to 4 submitted that due opportunity of hearing was given and Award was also passed and possession was also taken and the amount was also deposited in the Court concerned. Therefore, no prejudice would be caused to the petitioner, because, fair compensation had been fixed for the land(s) acquired.

8. Though the respondents have stated in the counter affidavit that due opportunity was given to the land-losers, including the petitioner, whereas, the respondents have not produced any document to show that personal hearing was given to the petitioner/land-loser, and therefore, in the above circumstances, time and again, this Court has given a direction that opportunity



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of hearing has to be given to the land-losers and personal hearing has to be given to individual land-losers, and not the common notice or common enquiry.

Therefore, in these Writ Petitions, in the absence of any document to show that individual personal hearing notice was served, the petitioner was given liberty to hear him individually, and the impugned proceedings are accordingly set aside. However, the official respondents are at liberty to give notice of personal hearing individually to the land-losers including the petitioner herein and after giving an opportunity of hearing to them in the manner known to law, conduct enquiry and pass appropriate orders/Award in accordance with law. In case, after giving opportunity of hearing, and since the respondents already stated that they have deposited the Award amount, which was passed in the impugned land acquisition proceedings, and after passing the Award on merits, if there is any change of amount, the respondents are directed to deposit the additional amount, or the difference in the amount, if any that may arise.

9. With the above observations, the Writ Petitions are disposed of. There shall be no order as to costs. The connected miscellaneous petitions are closed.

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P.VELMURUGAN, J

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