



W.P.No.39689 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.39689 of 2024

and

W.M.P.Nos.43299 & 43300 of 2024

K.Ramachandran

... Petitioner

Vs.

1.The Government Of Tamil Nadu
Rep. By Its Principal Secretary To Government,
Industries, Steel Control And Special Initiative Department,
Secretariat, Fort St. George,
Chennai-600009

2.The Additional Chief Secretary/Commissioner Of Land Administration,
Ezhilagam, Chepauk,
Chennai-600005

3.The Inspector General Of Registration
No. 100, Santhome High Road,
Chennai-600028

4.The Managing Director,
State Industries Promotion Corporation Of Tamil Nadu Ltd.,(SIPCOT),
No.19-A, Rukamani Lakshimipathy Road,
Egmore, Chennai-600008

5.The District Collector
Dharmapuri District



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Collectorate, Dharmapuri -636705.

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6.The District Registrar,
Dharmapuri,
Dharmapuri District. 636701

7.The Land Acquisition Officer/
Special District Revenue Officer (SIPCOT),
Dharmapuri District 636701.

8.The Special Tahsildar
SIPCOT- (L.A) Unit 1,
Dharmapuri -636701.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records in Na.Ka.147/2016/A2 dated 11.09.2018 and the Decree/Award in Na.Ka.No.30/2016/Alagu-1 dated 16.09.2021 passed by the 5th Respondent and QUASH the same as illegal and consequently Direct the 5th Respondent to pass the award at the rate of Rs.170/-Per Sq.Ft in respect of petitioners land in Survey Number.716/2 at Adhakupadi Village, Dharmapuri Taluk , Dharmapuri District.

For Petitioner : M/s.K.Gandhi Kumar

For Respondents : M/s.P.Sathish, AGP
for R.1 to R.3 & R.5 to R.8



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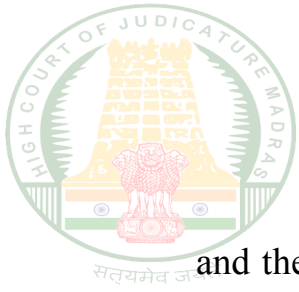
ORDER

The Writ Petition is filed for the following reliefs;

"to call for the records in Na.Ka.147/2016/A2 dated 11.09.2018 and the Decree/Award in Na.Ka.No.30/2016/Alagu-1 dated 16.09.2021 passed by the 5th Respondent and QUASH the same as illegal and consequently Direct the 5th Respondent to pass the award at the rate of Rs.170/-Per Sq.Ft in respect of petitioner's land in Survey Number.716/2 at Adhakapadi Village, Dharmapuri Taluk , Dharmapuri District."

2. The petitioner would submit that he is the owner of the land comprised in S.No.716/2 measuring an extent of 5 acres in Adhagapadi Village, Dharmapuri Taluk and Dharmapuri District.

3. The Petitioner would submit that the Government of Tamil Nadu had issued a G.O.Ms.No.284 Industries (SIPCOT-L.A) Department dated 30.12.2015 and accorded administrative sanction for acquisition of 222.81 hectares of Patta lands under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter called as the "Act")



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and the alienation of 478.97 hectares of Government Poromboke lands for setting up of SIPCOT Industrial Park in Dharmapuri District.

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4. The petitioner would submit that on 13.11.2016 the District Collector had issued a notification in Daily Thanthi and Trinity Mirror Newspaper Daily U/s.3(2) AA of the Act. The District Collector had also issued a notice U/s. 3(2) A of the Act to him. On 03.12.2016, the petitioner had submitted his detailed objections to the District Collector. However, without considering the objections, the 5th respondent /District Collector mechanically rejected the representation on 08.03.2017. Thereafter, the 5th Respondent had proceeded with the proposal under Section 3(1) of the Act and drafted costs for acquiring the industry lands.

5. The petitioner would submit that thereafter based on the Valuation Sub-Committee order of reducing the guideline value in respect of the Survey Numbers pertaining to Land acquisition, the land Acquisition Officers/ the 7th Respondent requested the 6th Respondent / The District Registrar, Dharmapuri in Na.Ka.No.147/2016/A2 dated 28.11.2018 to revise the guideline value in so far as the acquisition of land survey



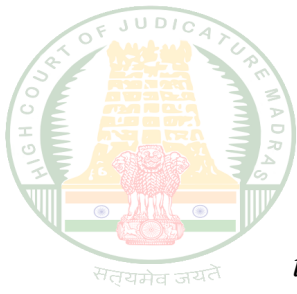
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numbers are concerned and thereafter the District Collector/ 5th respondent based on the Valuation Sub-Committee Proceedings/order, passed the Compensation award/Decree in Na.Ka.No.30/2016/ Unit 1 in respect of BLOCK No:9 without considering the detailed objections of the petitioner. Therefore, the petitioner is before this Court.

6. Heard the counsels on either side and perused the records.

7. It is seen that without considering the detailed objections of the petitioner dated 03.12.2016, the impugned award has been passed by the 5th respondent as early as in the year 2021. As per Section 8 of the Act, the application for reference had to be made within a period of 60 days. However, the petitioner has approached the Court only now. Recently, the Hon'ble Supreme Court in its judgement reported in **(2025) 1 SCC 798 - Ultra-Tech Cement Ltd. Vs. Mast Ram & Others** had held as follows:-

"49. Acquisition of land for public purpose is undertaken under the power of eminent domain of the government much against the wishes of the owners of the land which gets acquired. When such a power is exercised, it is coupled with a bounden duty and obligation on the part of



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the government body to ensure that the owners whose lands get acquired are paid compensation/awarded amount as declared by the statutory award at the earliest."

8. Therefore, in the light of the above above judgement, the State having received the objections of the petitioner ought to have made the reference in time. Therefore, this Writ Petition is disposed of directing the 5th respondent to refer the matter to the competent Civil Court as per Section 8 of the Act within a period of 4 weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

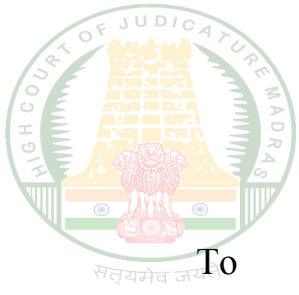
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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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