



WEB COPY

WA No. 1557 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-09-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR JUSTICE C. SARAVANAN**

**WA NO. 1557 OF 2022
and WA NO. 1562 OF 2022**

WA No. 1557 of 2022

1. The Principal Secretary to the
Government
Industries Department, Fort St.George,
Chennai- 9.

2.The District Collector
Kancheepuram Dist, Kancheepuram.

3.The Special Tahsildar (L) Unit
SIPCOT Sriperumpudur Expansion
Scheme II, Sriperumbudur,
Kancheepuram District

Appellant(s)

Vs

1. M/s. CAB Enterprises Pvt. Ltd.
Having Registered Office at Plot No.T-
26, Door No.180, TNHB Complex, Luz
Church Road, Mylapore, Chennai-
600004 Rep by its Managing Director



Dr.S.Cletus Babu

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WA No. 1562 of 2022

1. The Principal Secretary To The
Government
Industries Department, Fort St.George,
Chennai- 9.

2.The Dist Collector
Kancheepuram Dist, Kancheepuram.

3.The Special Tahsildar
(land acquisition) Unit I, SIPCOT
Sriperumpudur Expansion Scheme II,
Sriperumbudur, Kancheepuram District

Respondent(s)

Appellant(s)

Vs

1. Cab Enterprises Pvt. Ltd,
Having Registered Office at Plot No.T-
26, Door No.180, TNHB Complex, Luz
Church Road, Mylapore, Chennai-
600004 Rep by its Managing Director
Dr.S.Cletus Babu

2.State Industries Promotion Corp. of
Tamilnadu
Egmore, Chennai.

Respondent(s)

WA No. 1557 of 2022

PRAYER



To allow the Writ Appeal by setting aside the order passed in WP.No. 16928/2012, dated 23.01.2013.

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WA No. 1562 of 2022

PRAYER

To allow the Writ appeal by setting aside the order passed in W.P.No. 19529/2012 dated 23.01.2013.

For all petitions

For Appellant(s): Mr.P.Sathish
Additional Government Pleader

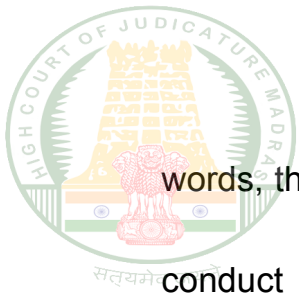
For Respondent(s): Mr.R.Murali for R1
Mr.Abishek Murthy for SIPCOT
(R2)

COMMON JUDGMENT

(Judgment of the Court was made by S.M.Subramaniam J.)

The common order dated 23.01.2013 passed in the batch of writ petitions came to be challenged in the present intra-court appeal.

2. The State is the appellant before this Court. The respondents preferred writ petitions challenging the notice issued under Section 3(1) of the Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997 (hereinafter referred to as the 'Act'), mainly on the ground that the District Collector conducted an enquiry under Sub-Section (2) to Section 3 of the Act. Therefore, the notice under Section 3(1) of the Act is to be set aside. In other



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words, the respondents would contend that the Collector has no jurisdiction to conduct an enquiry and the Act contemplates the Government to conduct enquiry. The Writ Court considered the issue and made a finding that the Collector for the purpose of Section 3(2) is given delegated power to the cause notice and call for objections. This is a specific delegation. It does not empower the Collector to hear and pass orders under Section 3(1) of the Act. The Writ Court has proceeded on the basis that Section 3(1) notification was also issued by the Collector. Therefore, the entire acquisition proceeding was set aside.

3. The Writ Court placed reliance on the judgments of the Hon'ble Supreme Court in the cases of **J & K Housing Board Vs. Kunwar Sanjay Krishnan Kaul¹** and **V.G.P.Housing (P) Ltd Vs. The Secretary to Government** (W.P.No.2055 and 2056 of 2010 dated 10.07.2012). In which, the Apex Court held that *"It is settled law that when any statutory provision provides a particular manner for doing a particular act, the said thing or act must be done in accordance with the manner prescribed therefore in the Act"*.

The Writ Court proceeded on the basis that both enquiry under Section 3(2) of

¹ 2011 10 SCC 714



the Act and notification under Section 3(1) of the Act had been issued by the

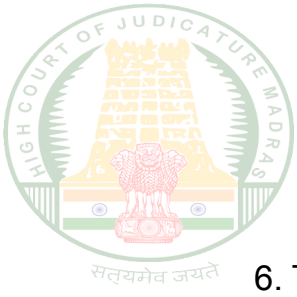
District Collector and therefore, the entire acquisition is contrary to the

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procedures contemplated under the Act.

4. The State would submit that the facts are otherwise in the present case. Section 3(2) enquiry was conducted by the District Collector as contemplated under the Act. Based on the enquiry conducted by the District Collector, the Government issued notification under Section 3(1) of the Act. Therefore, there is no infirmity, and the Writ Court has committed an error in appreciating the facts and consequently, the present writ appeal is to be allowed.

5. Learned counsel for the respondents would oppose by stating that the Collector has not applied his mind, while sending the proposal for issuance of notice under Section 3(1) of the Act of the Government. Application of mind with reference to the facts are contemplated under the Act, which has not been adopted. Thus, the Writ Court is right in allowing the writ petitions and consequently, the writ appeal is to be rejected.



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6. This Court heard the parties to the lis on hand.

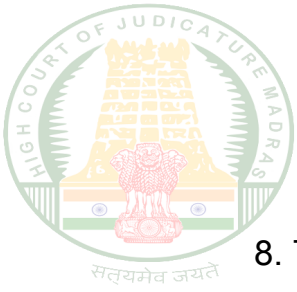
7. Section 3 of the Act reads as follows,

“3. Power to acquire land.

(1) If, at any time in the opinion of the Government, any land is required for any industrial purposes, or for any other purpose in furtherance of the objects of this Act, they may acquire such land by publishing in the Tamil Nadu Government Gazette a notice specifying the particular purpose for which such land is required.

(2) Before publishing a notice under sub-section (1), the Government shall, call upon the owner and any other person, who in the opinion of the Government may be interested in such land, to show cause within such time as may be specified in the notice, why the land should not be acquired. The Government shall also cause a public notice to be given in such manner as may be prescribed.

(3) The Government may pass an order under sub-section (1) after hearing and considering the cause, if any, shown by the owner or person interested.”



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8. The procedures contemplated under Sub-section (2) to Section 3 is a pre-condition for issuance of notice under Section 3(1) of the Act. Two separate notices were issued on 03.02.2010 and 09.01.2010 respectively in respect of the entire extent of the lands sought to be acquired.

9. After providing an opportunity and conducting an enquiry, as contemplated under Sub-section (2) to Section 3 of the Act, a notification under Section 3(1) was issued by the Government and it was published in Tamil Nadu Government Gazettee dated 04.04.2012 in W.P.No.1557 of 2022 and 20.06.2012 in W.P.No.1562 of 2022.

10. Question arises about the delegation of powers as contemplated under the Act. Section 23(A) of the Act, provides delegation of powers and reads as follows,

“23A. [Delegation of powers. [Inserted by the Tamil Nadu Acquisition of Land for Industrial Purposes (Amendment) Act, 2005 (Tamil Nadu Act 17 of 2005).]

- The Government may, by notification, direct that all



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the powers under this Act except the powers,-

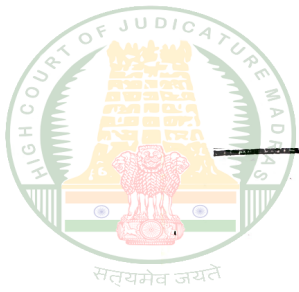
(1)to issue notice under sub-section (1) of section 3;

(2)to withdraw the land from acquisition under the first proviso to subsection (1) of section 4; and

(3)to make rules under section 25,

shall, subject to such conditions, if any, as may be specified in the notification, be exercised by the Collector.]”

11. Except the issuance of the notice under Section 3(1), withdrawal of the land acquisition proceedings and to make rules under Section 25, all other powers and the procedures to be followed under the Act can be delegated by the Government in exercise of the powers conferred under Section 23(A) of the Act. In this context, the Tamil Nadu Government notification dated 02.09.2005 issued in G.O.Ms.No.513, Revenue (LA)(1), dated 02.09.2005 reads as under,



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Part II – Section 2

Notifications or orders of interest to a section of the public issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

REVENUE DEPARTMENT

DELEGATION OF POWERS TO DISTRICT COLLECTORS TO INSERTION OF SECTION 23-A UNDER TAMIL NADU ACQUISITION OF LAND FOR INDUSTRIAL PURPOSES ACT.

(G.O.Ms.No. 513, Revenue (LA) (1), 2nd September 2005.)

No.II(2)/REV/716(d)/2005.

In exercise of the powers conferred by Section 23-A of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999), the Governor of Tamil Nadu hereby directs that all the powers exercisable by the Government under said Act except the powers excluded in the said Section 23-A shall be exercised by the Collector of the district concerned.

2. The Notification hereby issued shall come into force on the 2nd day of September, 2005.

N.SUNDARADEVAN,
Secretary to Government.

12. Therefore, the powers conferred on the Government under Sub-section (2) to Section 3 has been delegated and may be exercised by the District Collector under the Act. In the present case, the enquiry as contemplated under Sub-section (2) to Section 3 was conducted by the District Collector by issuing a public notice and thereafter, based on the proposal submitted by the District Collector, the Government issued 3(1) notification, which is in consonance with the provisions of the Act. Therefore,



the Writ Court has misinterpreted the scope of Sections 3(1) and 3(2) of the Act as well as the delegation powers conferred on the Government under

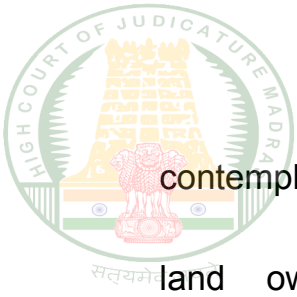
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Section 23(A)(1) of the Act.

13. Consequently, the common order passed in W.P.Nos.16928 to 19529 of 2012, dated 23.01.2013 are set aside. The reliance placed by the respondents in respect of the order passed in W.A.No.1797 of 2017 dated 24.11.2022 is not applicable. The facts are distinguishable and therefore, the said judgment is of no avail to the respondents to sustain the common writ order impugned. That apart, in the said order, the proceedings has been considered by the Court and facts in the present case are since distinguished, the said judgment deserves has no application.

14. The common writ orders made in W.P.Nos.16928 to 19529 of 2012 dated 23.01.2013 are set aside. The present writ appeals are allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

15. The appellants are bound to follow all further proceedings



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contemplated under the Act for awarding just compensation under law to the

land owners. The land owners are at liberty to submit their

representation/objections, if any to the competent authority, while quantifying

the compensation or for enhancement or otherwise.

(S.M.SUBRAMANIAM J.)(C.SARAVANAN J.)

15-09-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

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