



W.P.Nos.5071, 5073, 5074, 5082 and 5087 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.5071, 5073, 5074, 5082 and 5087 of 2019

W.P.No.5071 of 2019:-

G.Vijay
represented by Power of Attorney,
G.Vasanthi

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented By Secretary to Government,
Industries Department,
Fort St.George, Chennai - 600 009.
2. The Special Thasildar,
(Land Acquisition), SIPCOT,
Tatcit Division,
Oragadam Scheme,
Irrugattukottai,
Kanchepuram.
3. The Chairman and Managing Director,
State Industries Promotion Corporation of Tamil Nadu Limited,
No.19A, Rukmai Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai - 600008.
(R3 Impleaded Vide order
dated 11.10.2022 made in
WMP.No.18548 of 2020
in W.P.No.5071 of 2019)

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying



W.P.Nos.5071, 5073, 5074, 5082 and 5087 of 2019

for the issuance of a Writ of Certiorari, calling for the records comprised in the impugned notice Na.Ka.No.440/2002 passed by the second respondent dated 12.07.2006 issued under section 3(2) and section 4(2) of the Tamil Nadu Acquisition of Land for the Industrial purposes Act 1997 (Tamil Nadu Act 10/99) in S.No.83/1B, comprising an extent of 2200 sq.ft. No.34, Egattur Village and quash the same.

W.P.No.5073 of 2019:-

M.R.Madurai Kannan
represented by Power of Attorney
K.Narasimha Reddy

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented By Secretary to Government,
Industries Department,
Fort St.George, Chennai - 600 009.
2. The Special Thasildar,
(Land Acquisition), SIPCOT,
Tatcit Division,
Oragadam Scheme,
Irrugattukottai,
Kanchepuram.
3. The Chairman and Managing Director,
State Industries Promotion Corporation of Tamil Nadu Limited,
No.19A, Rukmai Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai - 600008.
(R3 impleaded Vide order
dated 11.10.2022 made in
WMP.No.18551 of 2020
in W.P.No.5073 of 2019)

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying



W.P.Nos.5071, 5073, 5074, 5082 and 5087 of 2019

for the issuance of a Writ of Certiorari, calling for the records comprised in the impugned notice Na.Ka.No.440/2002 passed by the second respondent dated 12.07.2006 and quash the same.

W.P.No.5074 of 2019:-

Murugan
represented by Power of Attorney
B.Natarajan

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented By Secretary to Government,
Industries Department,
Fort St.George, Chennai - 600 009.
2. The Special Thasildar,
(Land Acquisition), SIPCOT,
Tatcit Division,
Oragadam Scheme,
Irrugattukottai,
Kancheipuram.
3. The Chairman and Managing Director,
State Industries Promotion Corporation of Tamil Nadu Limited,
No.19A, Rukmai Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai - 600008.
(R3 impleaded Vide order
dated 11.10.2022 made in
WMP.No.18553 of 2020
in W.P.No.5074 of 2019)

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records comprised in the impugned notice Na.Ka.No.440/2002 passed by the second respondent dated 12.07.2006 and quash the same.



W.P.Nos.5071, 5073, 5074, 5082 and 5087 of 2019

W.P.No.5082 of 2019:-

Nalini Mahadevan
represented by Power of Attorney
Uma Gopalan

... Petitioner

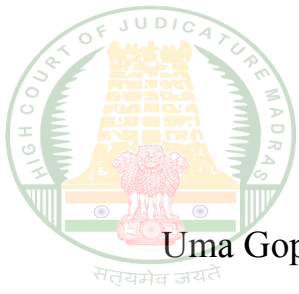
-Vs-

1. The State of Tamil Nadu,
Represented By Secretary to Government,
Industries Department,
Fort St.George, Chennai - 600 009.
2. The Special Thasildar,
(Land Acquisition), SIPCOT,
Tatcit Division,
Oragadam Scheme,
Irrugattukottai,
Kancheipuram.
3. The Chairman and Managing Director,
State Industries Promotion Corporation of Tamil Nadu Limited,
No.19A, Rukmai Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai - 600008.
(R3 impleaded Vide order
dated 11.10.2022 made in
WMP.No.18555 of 2020
in W.P.No.5082 of 2019)

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records comprised in the impugned notice Na.Ka.No.440/2002 passed by the second respondent dated 12.07.2006 and quash the same.

W.P.No.5087 of 2019:-



W.P.Nos.5071, 5073, 5074, 5082 and 5087 of 2019

Uma Gopalan

... Petitioner

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-Vs-

1. The State of Tamil Nadu,
Represented By Secretary to Government,
Industries Department,
Fort St.George, Chennai - 600 009.
2. The Special Thasildar,
(Land Acquisition), SIPCOT,
Tatcit Division,
Oragadam Scheme,
Irrugattukottai,
Kancheipuram.
3. The Chairman and Managing Director,
State Industries Promotion Corporation of Tamil Nadu Limited,
No.19A, Rukmai Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai - 600008.
(R3 impleaded Vide order
dated 11.10.2022 made in
WMP.No.18556 of 2020
in W.P.No.5087 of 2019)

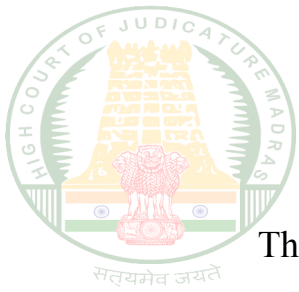
...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records comprised in the impugned notice Na.Ka.No.440/2002 passed by the second respondent dated 12.07.2006 and quash the same.

In all W.Ps

For Petitioners	: M/s.Shobana Ramasubramaniyan
For R1 and R2	: Mr.T.Arunkumar Additional Government Pleader
For R3	: Mr.Ramesh Venkatachalapathy

COMMON ORDER



W.P.Nos.5071, 5073, 5074, 5082 and 5087 of 2019

These Writ Petitions have been filed challenging the impugned notice

Na.Ka.No.440/2002 passed by the second respondent dated 12.07.2006.

2. It is seen that similar writ petitions were already ordered by this Court by an order dated 29.10.2020 in a batch of writ petitions in W.P.Nos.32946 of 2004 and etc., and passed the following order:-

“ 40. To sum up,

(a) the failure to comply with the procedure prescribed under Sec.3 of the Act before issuing the notice under Sec.3(2) is fatal to maintain the acquisition proceedings against the petitioners as it is trite law that ‘if the manner of doing particular act is prescribed under a statute and the same is not followed such action would be a nullity in the eye of law as held by the Hon’ble Apex Court in

(a) Kunwar Pal Singh (Dead) by LRs Vs. State of U.P. and others reported in (2007) 5 SCC 85 ;

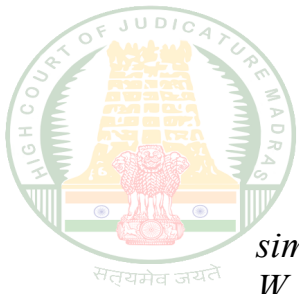
(b) Mackinnan Mackenzie and Company Limited Vs. Mackinnan Employees Union reported in (2015) 4 SCC 544 ;

(c) Laxmi Devi Vs. State of Bihar and others reported in (2015) 10 SCC 241 and

(d) Brajendra Singh Yambem Vs. Union of India and another reported in (2016) 9 SCC 20.

In all the cases the Hon’ble Apex Court has laid down a clear law that once a procedure is prescribed, it alone should be followed and not any other procedure of their own. In view of such a clear message, the present proceedings initiated without following the due procedure prescribed under Sec.3 have no legs to stand and consequently are required to be dropped.

(b) Already on the basis of the above principle of law decision was taken by this Court in W.P.No.27578/04 quashing



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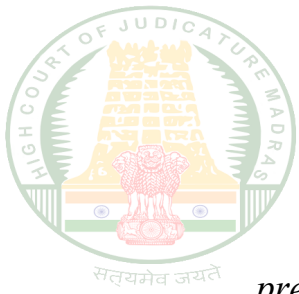
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similar proceedings and the same was confirmed in W.A.No.246/08 by the Division Bench of this Court. While so, this Court cannot take a different stand.

(c) The Division Bench while confirming the order in the above writ petition quashing the same land acquisition proceedings in respect of other land owners has given liberty to issue fresh proceedings, if needed. But the respondents have not only initiated fresh proceedings but also gone one step further to drop the proceedings even for the land owners who got stay of the acquisition proceedings. Though the petitioners also do have the benefit of stay, the Land Acquisition Proceedings are not dropped. The act of the respondents thus is violative of Arts.14, 19(1), 21 and 300A of the Constitution of India in view of the law laid down by the Hon'ble Apex Court in the case of Hari Ram and another Vs. State of Haryana and others reported in (2010) 3 SCC 621 and Radhy Shyam (Dead) through LRS. and others Vs. State of Uttar Pradesh and Others reported in (2011) 5 SCC 553.

(d) The land acquisition proceedings were initiated as early as in 2001. The public purpose for which they were initiated would have no longer survived in view of lot of subsequent developments and hence, there is no use to proceed with the proceedings except to fight for an empty cause and Eminent Domain principle, that too using the Emergency clause by demolishing the pucca building put up by the petitioners.

(e) Further, in the past 19 years, the cost of the lands has skyrocketed in the areas where the lands are located and Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has come into force. As per the new Act the cost to be paid to the petitioners is double the rate of the market value which definitely would not only defeat the public purpose for which the lands are sought to be acquired but also would definitely be against the public interest as the money meant for the common people cannot be allowed to be wasted in fair compensation.



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(f) Above all this Court cannot close its eyes to the present status of lands sought to be acquired and they all have residential buildings meant for the survival of the petitioners and the cost has to be paid for the building also.

(g) When the acquisition proceedings are under stay in this batch it is not known as to how they are claimed to have been proceeded further ending with the Award as claimed by the respondents before this Court. In view of the stay, those proceedings are to be ignored and set aside as contemptuous having no legal impact to be relied upon. When notice under Section 3(2) is held to be unsustainable through a judicial order, the progress of acquisition proceedings inching towards notice under Sections 4(2)(6) and 7(5) cannot pass the test of legal correctness.

41. The unmindful attitude of the respondents to the pending proceedings on the file of this Court is deprecated and the concerned officers responsible for proceeding further making the interim stay a mockery without taking any steps to comply with the Division Bench Order are to be taken to task. It is not only that they failed to comply with the Division Bench Order but chose to drop the land acquisition proceedings on their own in favour of certain land owners and proceed further with the same proceedings against the petitioners inspite of the stay granted by this Court.

42. This attitude of the respondents and the officials send a clear message to this court and the society that they never mind for any court orders and they proceed blindly further and further ignoring what is said by the court in the interest of all. They pick and choose and dropped certain lands in favour of certain land owners on their own without any reason and guideline neglecting to initiate fresh proceedings as suggested by the Division Bench but proceeded further to drop the land acquisition proceedings for certain people and pass an Award in the case of the petitioners.

43. For all the reasons summed up this Court has no



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hesitation to quash the proceedings and accordingly the land acquisition proceedings are quashed and the Writ Petitions, except W.P.No.1193 of 2013 stand allowed. Consequently, connected Miscellaneous Petitions are closed. No costs."

3. In fact, the above order was also confirmed by the Hon'ble Division Bench of this Court in W.A.No.1887 of 2022 and batch, by an order dated 11.08.2025.

4. In view of the above findings, these Writ Petitions are allowed. No costs.

15.09.2025

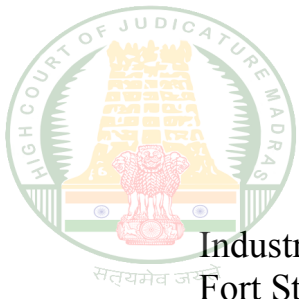
Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J,

mn

To

1. The Secretary to Government,
The State of Tamil Nadu,



W.P.Nos.5071, 5073, 5074, 5082 and 5087 of 2019

Industries Department,
Fort St.George, Chennai - 600 009.

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2. The Special Thasildar,
(Land Acquisition), SIPCOT,
Tatcit Division,
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