

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Eighteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice C.V.KARTHIKEYAN

WP No.32542 of 2019

M/S.UNIVERSAL HEAT EXCHANGERS LTD.,
REP BY ITS MANAGING DIRECTOR,
POLLACHI ROAD, MALUMICHAMPATTI POST,
MATHUKARAI POST, COIMBATORE 641 050.

[PETITIONER]

Vs

1 THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT,
FORT ST. GEORGE, CHENNAI 600009

[RESPONDENTS]

2 THE ADDITIONAL CHIEF SECRETARY/
COMMISSIONER OF LAND ADMINISTRATION,
EZHILAGAM, CHEPAUK, CHENNAI 600005

3 THE DISTRICT COLLECTOR,
COIMBATORE DISTRICT, STATE BANK ROAD,
GOPALAPURAM, COIMBATORE 641018.

4 THE DISTRICT REVENUE OFFICER,
STATE BANK ROAD, GOPALAPURAM, COIMBATORE 641
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5 THE REVENUE DIVISIONAL OFFICER,
STATE BANK ROAD, GOPALAPURAM,
COIMBATORE 641 018.

6 THE TAHSILDAR,
MADUKKARAI TALUK OFFICE, ANBU NAGAR,
MADUKKARAI 641 105, COIMBATORE DISTRICT.

Writ Petitions under Article 226 of the Constitution of India
praying that in these circumstances stated therein and in the
respective affidavits filed therewith the High Court will be pleased
to issue appropriate WRIT, ORDER or Direction and in particular to



issue a writ in the nature of Certiorarified Mandamus, to call for the records of the Order issued in Proc.No.F3/ 6701/ 2016 dated 11.11.2019, quash the same as illegal and directing the 1st respondent to fix the cost of the Government Poramboke Land in S.F. No. 300/2B1 to an extent of 1.15 acres and S.F.No.297/3 to an extent of 0.24 acres and the petitioners land in S.F.No.586/3B and 586/4 (part) to an extent of 2.00 acres both in Malumichampatti Village, Coimbatore District as was propsed by the 3rd respondent in Lr. No. Na. Ka. 16083/2010 Aa1 dated 22.12.2010 and the petitioner may be ordered to pay the difference amount of Rs.2,69,325/- to Government for exchange of lands or in the alternative both the Government Poramboke land and the petitioner company land in the abovesaid Survey Numbers may be calculated based on the single current market value on acre basis afresh, based on the rates prevailing in the nearby survey number and the difference amount, if any may be ordered to pay by the Company to the Government Within the time limit fixed by this Honourable Court (in WP.32542/2019)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.ARL.SUNDARESAN Advocate for MR.R.BASKARADOSS, Advocate for the petitioner and of MR.K.M.D.MUHILAN Government Advocate for MR.N.INBANATHAN Additional Government Pleader for 1 to 6 respondents the court made the following order:-

- (1) The petitioner herein is running a Factory and it appears that right in the middle of the land owned by the petitioner, machineries have been embedded to the land. The said area measures about 1.39 acres and the said land appears to be the Government land. Therefore, the petitioner wanted to retain that particular land and in exchange, had offered 2 acres of land which the petitioner had purchased subsequently. There was a proceeding in the year 2010 by the District Collector, determining the value of the land purchased by the petitioner measuring 2 acres and also determining the value of the Government land measuring 1.39 acres, which is situated right in the middle of the Factory.
- (2) The District Collector had come to the conclusion that the petitioner should pay the difference of about Rs.2 Lakhs and a bit more towards difference in value of two pieces of lands. Thereafter, nothing else had happened on the side of the Government. The petitioner was forced to file a writ petition in the year 2016 seeking compliance of the order and to pass further orders, pursuant to the recommendation of the District Collector. A mandamus was issued in the year 2016, directing the respondents therein/the Government to pass final orders within a period of twelve weeks. However, orders had not been passed within the period of twelve weeks. But then, the impugned order came to be passed in the year 2019, after about



three years and in the impugned order, it is stated that the petitioner should pay twice the value of the Government land, which he is holding in lieu of exchange of two acres.

- (3) The learned Government Advocate may clarify as to the basis on which the said impugned order mentioned about twice the value of the land and the particular Government Order, giving that liberty to the Government to collect twice the value of the land even in cases of exchange. The other aspect which the learned Government Advocate to examine is that the delay on the part of the Government when a mandamus was issued in the year 2016, directing orders to be passed within a period of twelve weeks. After that particular period of twelve weeks, the Government cannot wait for appreciation of the value of the land and demand a higher value from the petitioner. As a matter of fact, the Government has to give an explanation as to why the value as determined in the year 2010 should not be taken as the base value with respect to exchange of land as sought for by the petitioner herein.
- (4) Mr.Ar.L.Sundaresan, learned Senior Counsel appearing on behalf of the petitioner and the learned Government Advocate may examine on these small aspects which I think, are the issue to be determined in this writ petition.
- (5) Call the matter once again on 20.09.2021.

-sd/-

18/08/2021

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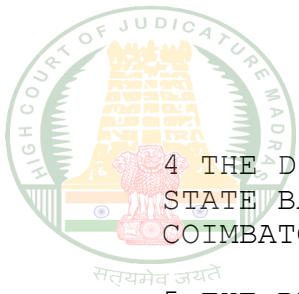
Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

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MADUKKARAI 641 105, COIMBATORE DISTRICT.

Order

in
WP.32542/2019

Date :18/08/2021

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