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W.A.(MD)NO.1428 OF 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 10.04.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MS.JUSTICE R.POORNIMA**

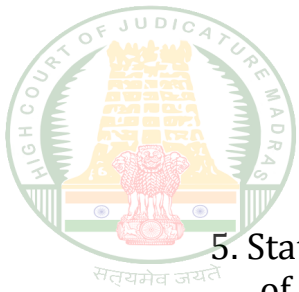
**W.A.(MD)No.1428 of 2024**

1. V.Bharathazhwar
2. Vijayalakshmi
3. Venkataramanujam
4. Dhanalakshmi
5. V.Srinivasan

... Appellants / Petitioners

Vs.

1. The Special Tahsildar,  
Land Acquisition,  
SIPCOT Alagu-5,  
Iruppur, Sattur,  
Virudhunagar District.
2. The District Collector,  
Virudhunagar District.
3. Secretary to the Government of Tamil Nadu,  
Industries Department,  
Fort St.George,  
Chennai-1.
4. Special District Revenue Officer,  
(Land Acquisition) SIPCOT,  
Virudhunagar.



5. State Industries Promotion Corporation  
of Tamil Nadu Ltd (SIPCOT),  
Rep. by its Managing Director,  
19A, Rukmani Lakshmipathy Road,  
Egmore, Chennai – 600 008.

... Respondents

**Prayer:** Writ appeal filed under Clause 15 of the Letters Patent Act, to set aside the order dated 07.12.2023 passed by this Court in W.P.No.2476 of 2021 on the file of this Court.

For Appellant : Mr.G.Ravisankar

For Respondents : Mr.M.Ajmal Khan,  
Additional Advocate General,  
assisted by Mr.M.Gangatharan,  
Government Advocate for R-5.

Mr.G.V.Vairam Santhosh,  
Additional Government Pleader  
for R-1 to R-4.

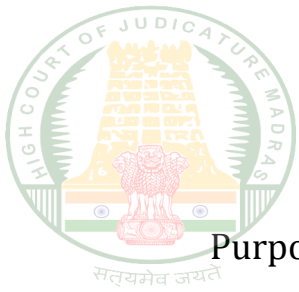
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### **JUDGMENT**

**(By G.R.SWAMINATHAN, J.)**

Heard the learned counsel appearing for the appellants and the learned Additional Advocate General appearing for the respondents.

2.The appellants herein filed WP(MD)No.2476 of 2021 challenging the notification issued by the fourth respondent herein under Section 3(2) of Tamil Nadu Acquisition of Land for Industrial



Purposes Act, 1997. The core contention of the appellants was that

the said notification was in the name of Thiru.Venkidasamy.

Venkidasamy, the father of the appellants had passed away way back on 25.10.1985. According to him, the notification in the name of a dead person is nullity. The learned Single Judge declined to uphold this contention and dismissed the writ petition vide order dated 07.12.2023. Challenging the same, this writ appeal has been filed.

3.The learned counsel appearing for the writ petitioners reiterated all the contentions set out in the grounds of appeal and called upon this Court to allow the writ appeal and set aside not only the notification impugned in the writ petition but also the order of the learned single Judge and grant relief as prayed for.

4.Per contra, the learned Additional Advocate General appearing for the respondents submitted that the authorities are not obliged to conduct a roving enquiry and find out the actual land owner. Even though admittedly the land in question stood in the name of Venkidasamy and he might have passed away in the year 1985, his legal heirs did not get the revenue records mutated in their



favour. Since the patta reflected the name of Venkidasamy, the notification was issued in his name and the authorities cannot be blamed for the same. Even though the acquisition notification is in the name of a dead person, it need not necessarily be a nullity. The learned Additional Advocate General relied on the decision reported in **2006 (4) CTC 757 (Gopalakrishnan G.S. Vs. Government of Tamil Nadu)**. In support of his contention that the notice needs to be issued in the name of the patta holder alone, he relied on the decision of the Hon'ble Supreme Court reported in **(2003) 5 SCC 365 (Ahuja Industries Ltd., Vs. State of Karnataka)**. He also raised a technical point that the appellants have questioned only Section 3(2) notification and failed to challenge Section 3(1) notification. He also stated that the award was passed on 05.03.2021. The writ petition was filed subsequent to the passing of the award and hence, it is barred by laches. He called upon this Court to sustain the order of the learned single Judge and dismiss the writ appeal.

5. We carefully considered the rival contentions and went through the materials on record.



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6. Section 3(2) of the Act reads as follows:-

**“3. Power to acquire land.**

(1) ...

(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.”

The crucial expression is “call upon”. Section 3(2) of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 can be compared with Section 4(1) of the Land Acquisition Act, 1894. The 1894 Act contemplates publication of preliminary notification. It would contain the details of the land. Section 5A of the Act states that any person interested in any land which has been notified under Section 4(1) may object to the land acquisition. Section 3A of the National Highways Act, 1956 is also on the same lines. The notification will contain the details regarding the land as appearing in the revenue record. In other words, the name of the person shown



as land owner in the revenue record will be reflected in the

notification. The authority is not expected to conduct an enquiry to find out who is the land owner. But the language of Section 3(2) of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 is not in pari materia with the text found in Section 4(1) of the 1894 Act or Section 3A of the NH Act, 1956. “Call upon” implies a dialogue between the authority and the land owner. In the very nature of things, it means that the authority must undertake a field enquiry and ascertain the current land owner. It is to that person or persons, the notice proposing acquisition must be sent. Authority cannot simply go by the entry in the revenue record. The name of the current land owner must be mentioned in the acquisition notification. Failure to do so would vitiate the proceedings unless there is absence of prejudice on this ground.

7. In the case on hand, the notice under Section 3(2) of the Act appears to have been served on Thiru. Srinivasan, one of the sons of Venkidasamy Nayackar. We do not want to interfere with the impugned acquisition notification primarily because the appellants have questioned only the Section 3(2) Notification and did not mount



any challenge to Section 3(1) notification which was issued on

19.02.2020. Secondly, Thiru.Srinivasan had received Section 3(2)

notice. More than anything else, in the notification issued under

Section 3(2) of the Act, not only the land of Venkidasamy was

proposed to be taken but also the land of Bharathazhwar.

Bharathazhwar is the first appellant herein. Thus, he knew that the

petition-mentioned land which stood in the name of his father was

also being acquired. Two of the daughters, namely, Vijayalakshmi

and Dhanalakshmi had given their consent for the acquisition and

they only wanted the proportionate compensation to be paid.

Thirdly, the writ petition itself was filed after the award was passed.

For these reasons, we are of the view that the acquisition

proceedings need not be interfered with.

8.It is also submitted that possession was taken in the year

2023. It is interesting to note that even though at the time of holding

the award enquiry, the authorities came to know that Venkidasamy

Nayackar was no more, they did not choose to make amends. Even

the award is in the name of Venkidasamy Nayackar. Therefore, the

award has to be treated as nullity.



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9.We set aside the award dated 05.03.2021. The award enquiry shall be held in the second week of May 2026 and the award itself shall be passed on or before 30.06.2026. All the appellants herein shall be informed about the award enquiry and all of them shall be given full opportunity to place materials in support of their case. The determination of compensation has to be in terms of the provisions of Central Act 30 of 2013. The compensation so determined shall be disbursed to them within a period of eight weeks after passing of the award. If the appellants are aggrieved by the quantum of award, reference shall be made under Section 8 of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. The order of the learned Single Judge is modified accordingly.

10.This writ appeal is disposed of accordingly. No costs.

**(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)**

**10<sup>th</sup> April 2026**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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WEB COPY **To:**

1. The Special Tahsildar,  
Land Acquisition,  
SIPCOT Alagu-5,  
Iruppur, Sattur,  
Virudhunagar District.
2. The District Collector,  
Virudhunagar District.
3. Secretary to the Government of Tamil Nadu,  
Industries Department,  
Fort St.George,  
Chennai-1.
4. Special District Revenue Officer,  
(Land Acquisition) SIPCOT,  
Virudhunagar.
5. The Managing Director,  
State Industries Promotion Corporation  
of Tamil Nadu Ltd (SIPCOT),  
19A, Rukmani Lakshmipathy Road,  
Egmore, Chennai – 600 008.



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10

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**AND**

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