
(2002) 06 MAD CK 0097

In the Madras High Court

Case No : Writ Petition No's. 13247 and 13248 of 2001, WPMP No's. 19447 and 19449 of 2001 and WVMP No's. 116 and 117 of 2002

S. Harshavardhan

APPELLANT

Vs

State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 04-06-2002

Acts Referred:

Land Acquisition (Companies) Rules, 1963 — Rule 4, 4(1)
Land Acquisition Act, 1894 — Section 4, 5, 5A, 6

Citation : (2002) 2 MLJ 811

Hon'ble Judges : P. Sathasivam, J

Bench : Single Bench

Advocate : K. Sridhar, for the Appellant; N.R. Chandran, General, assisted by S. Sethuraman, Special Government Pleader and G. Masilamani for K. Mohanram, for the Respondent

Final Decision : Dismissed

Judgement

P. Sathasivam, J.—The petitioner challenges the land acquisition proceedings initiated by the respondents 1 and 2 on various grounds. In

W.P.No. 13247/2001, the petitioner seeks to quash Notification issued u/s 4(1) of the Land Acquisition Act, 1894 dated 3.11.1999 and

Declaration dated 18.9.2000 as well as Award No.1/2000 dated 30.12.2000 in so far as his land to an extent of 2.79.5 Hectares in Veerapuram

village, Chingleput Taluk, Kancheepuram District and prays for quashing of the entire acquisition proceedings and restore the said extent of land to him.

2. The very same petitioner in W.P.No.13248 of 2001 challenges Notification issued u/s 4(1) of the Land Acquisition Act, 1894 in respect of his land in 88, Thenmelpakkam village of an extent of 1.55.0 Hectares.

3. The case of the petitioner is briefly stated hereunder:- According to him, he purchased 4.34.5 hectares extent of land in Veerapuram and

Thenmelpakkam villages, Chingleput Taluk in the year 1996 on a sale consideration of Rs.70 lakhs. Of this land, 2.79.5 hectares are the subject-

matter of W.P.No. 13247/2001 and 1.55.0 hectares are the subject-matter in W.P.No.13248/2001. He had leased out the lands under acquisition

to Blossoms Bio-tech Limited, Chennai-18 for 99 years and he is the Managing Director of the said company. They set up a Green House Farm

to an extent of 7 acres for growing Orchids Tube Roses and Bananas for export purposes. They had spent a total sum of Rs.55 lakhs. The

company has invested more than Rs.6 crores in the total unit and started exporting flowers on trial basis. The petitioner had borrowed a sum of Rs.

1.25 crores from Central Bank of India, Coimbatore. The land is proposed to be acquired by a company called Mahindra Industrial Park

Limited/third respondent herein. The funds for acquisition are not from public funds but from the company funds. Hence Part VII of the Land

Acquisition Act alone applies. The previous consent and execution of agreement with Government of Tamil Nadu has not been complied with.

There has been no publication of agreement violating Sections 41 and 42 of the Land Acquisition Act. The land is being acquired for private

company, developed and resold killing the main purpose of Government acquisition for real estate purposes. The objections of the petitioner were

not referred to the requisitioning body. Further, this being company acquisition under Part VII of the Land Acquisition Act, no steps were taken for

private negotiations between the parties. The entire land acquisition proceedings is illegal inasmuch as Rule 4 (i) (ii) of the Land Acquisition

(Companies) Rules, 1963 has not been followed.

4. On behalf of respondents 1 and 2, Special Secretary to Government, Industries Department, Chennai-9 has filed a separate identical counter

affidavit in both the writ petitions, disputing various averments made by the petitioner. It is stated that the Government in G.O.Ms.No. 630

Industries (M.I.E.I) Department dated 24.9.98 has given administrative sanction to acquire 827.47.0 hectare of lands in 220, Veerapuram and 7

other villages in Chengalpattu Taluk with all amenities to establish an Industrial Park by name and style of Mahindra Industrial Park Ltd. As per

requisition received from the requisitioning body, namely, Mahindra Industrial Park Ltd., necessary proposals for publication of 4 (1) Notification under the Land Acquisition Act were sent to the Government in respect of the lands measuring to an extent of 6.39.5 Hectares (which are dealt with in Block-II) of 220, Veerapuram village, in which the petitioner's land of 2.79.5 hectares are included. The said proposal was approved by the Government and published in the Tamil Nadu Government Gazette dated 3.11.99 and also published in two Tamil dailies on 24.10.99 and 25.10.99 and the same were published in the village on 9.11.99. Notice for enquiry u/s 5-A was duly served on the land owners and as requested by the petitioner, the enquiry was adjourned to enable him to attend the same. The objection petition received from the petitioner was referred to the requisitioning body, i.e., Mahindra Industrial Park Limited, for remarks. The remarks from the requisitioning body were received on 11.4.2000. Consequent on the objection petition received from the petitioner, 5-A enquiry was posted to 27.4.2000. On that day, nobody appeared for enquiry. Hence the objections raised by the petitioner were duly considered and rejected. After exclusion of certain lands as requested by the requisitioning body, declaration under 6 was published in the Gazette dated 18.9.2000 and in two Tamil dailies on 22.9.2000. The same was also published in the village (Veerapuram) on 16.10.2000. As the requisitioning body have further purchased through private negotiation an extent of 0.64.0 hectares, they were withdrawn by requisitioning body as per letter dated 28.9.2000, out of 3.50.0 hectares published in Declaration u/s 6 of the Act. After notice, award has been passed on 1.3.2001 and a sum of Rs.18,04,375/- has been paid towards compensation for the above lands inclusive of structure on land and the above amount is kept in revenue deposit at the Sub-Treasury, Chengalpattu. The possession of the lands measuring 0,06.5 hectares were taken on 23.3.2001. In respect of lands measuring 2.79.5 hectares stands registered in the name of the petitioner, possession was not taken, as there were orchid flowers on the acquired lands. Since the respondents complied with all mandatory provisions of the Act and Rules, there is no merit in the claim made by the petitioner. Similar averments have been made by the very same first respondent in W.P.No. 13248/2001.

5. The third respondent has also filed separate identical counter affidavit highlighting the compliance of mandatory provisions and the object of the industrial park. They also highlighted that they are invested more than 200 crores in the project and 95 per cent of the development work has been completed. The delay in taking possession of this piece of land which is the subject-matter of the writ petitions is causing delay in completing the project.

6. In the light of the above pleadings, I have heard Mr. K. Sridhar, learned counsel for the petitioner, Mr. N.R. Chandran, learned Advocate General for respondents 1 and 2 and Mr. G. Masilamani, learned senior counsel for third respondent.

7. Mr. K. Sridhar, learned counsel for the petitioner, has raised the following contentions:

(i) Since the acquisition is for a company, the respondents 1 and 2 have not strictly followed the provisions, particularly Part VII of the Act and the

Land Acquisition (Companies) Rules, 1963;

(ii) Respondents 1 and 2 failed to conduct enquiry in terms of Section 5-A of the Act.

On the other hand, learned Advocate General, after placing the entire records relating to the impugned acquisition proceedings, contended that

they complied with all the provisions under Part VII of the Act as well as Land Acquisition (Companies) Rules, 1963. He also contended that

petitioner was given ample opportunity in the 5-A enquiry proceedings and absolutely there is no flaw in Section 5A enquiry. Mr. G. Masilamani,

learned senior counsel for the requisitioning body-third respondent, contended that since the petitioner did not file his objection within the

prescribed time and failed to appear for 5-A enquiry, he cannot be allowed to contend that the said enquiry was not duly conducted. He also

contended that respondents 1 and 2 as well as the requisitioning body, after fully complying with the provisions of Part VII of the Act and the Land

Acquisition (Companies) Rules, passed an award for a portion of the land. He also contended that the third respondent purchased 1,125 acres out

of 1,398 acres of land by way of private negotiations and out of 10.72 hectares, they purchased 1.88 hectares from the petitioner by way of

negotiations. In any event, inasmuch as the writ petitions were filed after a long

gap after passing award, they are liable to be dismissed on the ground of laches.

8.1 have carefully considered the rival submissions.

9. Though Mr. K. Sridhar, learned counsel for the petitioner, placed certain factual materials regarding the petitioner's proposed business, namely,

Orchids Tube Roses and Bananas for export purposes and contended that more lands are required including the land under acquisition for the said

purpose, I am of the view that it is unnecessary to consider these aspects. It is true that at the request of the third respondent, which is a company

registered under the Indian Companies Act and on the basis of the industrial policies and programmes for 1996, 1997 of the Government of Tamil

Nadu entered into by Tamil Nadu Industrial Development Corporation Limited (TIDCO) (an Undertaking of Government of Tamil Nadu) and M/s

Mahindra Realty and Infrastructure Developers Limited for establishing an Automobile Ancillary Park in Chennai to cater to the new Industrial

Units which will come up near Chennai as suppliers of Ancillary and components to Mahindra Ford Car Project/new Automobile projects and

steps have been taken to identify suitable sites for the project preparing a project report etc. Thereafter, the company has been promoted pursuant

to G.O.2 (D) No. 88 dated 11.6.97. It is further seen that the Government of Tamil Nadu with the object of achieving greater economic

development of the State, to provide large-scale employment to the masses and to sustained industrial development felt the necessity for

establishment of a modern industrial park with necessary infrastructure facilities like broad approach road sewage and drainage system, ware-

houses, Telecommunication facilities, power stations, hospitals, rest places, commercial centres etc., with adequate greenery for balancing the Eco

system. Considering the fact that a number of Multinational companies like Ford, Hyundai Motor Corporation etc., have set up huge automobile

units for the manufacture of different kinds of motor vehicles in and around Chennai and considering the favourable atmosphere for further

establishment of auto ancillary-Units by attracting foreign investment world over, the Government of Tamil Nadu with the co-operation of the

promoters of the third respondent company conceived the idea to establish an industrial park of international standard in an area about 1398.23

acres on the east of National Highway 45 (NH 45) near Chengalpattu, Kancheepuram District. The lands situated at Veerapuram, Paranur,

Thenmelpakkam, Rajakulipettai, Hanumanthai, Kunnavakkam, Anjur villages and in Survey No. 405 in Chettipunniyam village within Chengalpattu

taluk in Kancheepuram District were identified taking in to the various factors. It is further seen that the location of the proposed park is off the

National Highway 45 from Chennai to Dindugal. According to the respondents, this road is well developed and is suitable for carrying heavy traffic

meant for industries. This road is one of the main arterial roads entering the city of Chennai and it connects the Anna International and Kamaraj

Domestic Airports as well as the seaport in the city. The site has excellent ground water potential as determined by the Anna University using

satellite technology. The site selected is therefore ideally suited for establishing an industrial park. The third respondent company was asked to take

steps to acquire the lands by private negotiation. The particulars furnished by the first respondent as well as the third respondent show that the third

respondent purchased roughly 1125 acres out of 1398 acres by way of private negotiation. As a matter of fact, they purchased 1.88 hectares by

way of private negotiation from the petitioner.

10. Now I shall consider whether respondents 1 and 2 have complied with the mandatory provisions under the Land Acquisition Act, 1894

(hereinafter referred to as "the Act") and the Land Acquisition (Companies) Rules, 1963. Part VII of the Act is meant for acquisition of land for

companies. As per Section 39, the provisions of Sections 6 to 16 and 18 to 37 shall not be put in force in order to acquire land for any company

under Part VII without the previous consent of the appropriate Government and without execution of an agreement by the company. Section 40

speaks about previous enquiry. In terms of Sub-section (1) of that Section (Section 40), such consent shall not be given unless the appropriate

Government be satisfied, either on the report of the Collector u/s 5A, Sub-section (2) or by an enquiry held as provided in Clauses (a), (aa) and

(b) of Sub-section (1). Section 41 refers to Agreement with the appropriate Government. If the appropriate Government is satisfied after

considering the report, if any, of the Collector u/s 5A, Sub-section (2), or on the report of the officer making an inquiry u/s 40 that the proposed

acquisition is for any of the purposes referred to in Clause (a) or Clause (aa) or Clause (b) of Sub-section (1) of Section 40 it shall require the

company to enter into an agreement with the appropriate Government. It is also clear that the Government has to satisfy regarding the cost of

acquisition, the transfer of land to the company and the terms on which the land shall be held by the company. As per Section 42, every such

agreement shall, as soon as may be after its execution, be published in the Official Gazette and shall thereupon have the same effect as if it had

formed part of the Act. As per Section 44-B of the Act, no land shall be acquired under this part, except for the purpose mentioned in Clause (a)

of Sub-section (1) of Section 40, for a private company which is not a Government company.

11. In exercise of powers conferred by Section 55 of the Act, the central Government has framed the Land Acquisition (Companies) Rules, 1963

(hereinafter referred to as ""the Rules"") for the guidance of the State Government and the Officer of the Central Government and of the State

Governments. Rule 3 of the Rules speaks about land acquisition committee. For the purpose of advising the appropriate Government in relation to

acquisition of land under Part VII of the Act, the appropriate Government shall, by notification in the Official Gazette, constitute a committee to be

called the Land Acquisition Committee. The Committee consists of the Secretaries to the Government of the Departments of Revenue, Agriculture

and Industries or such other offices of each of the said Departments as the Government may appoint. It shall be duty of the committee to advise the

appropriate Government on all matters relating to or arising out of acquisition of land under Part VII of the Act, on which it is consulted and to

tender its advise within one month from the date on which it is consulted. Rule 4 prescribes certain matters to be satisfied by the appropriate

Government before initiating acquisition proceedings. The matters to be provided in the agreement u/s 41 are dealt with in Rule 5. Though Mr. K.

Sridhar has contended that Sections 39, 40, 41, 44-B of the Act and Rules, 3, 4 and 5 were not complied with, learned Advocate General by

placing the relevant records, highlighted that all the provisions referred to above have been complied with. He also brought to my notice the details

furnished by the Special Secretary to Government, Industries Department in his counter affidavit filed in the above writ petitions.

12. Mr. K. Sridhar by drawing my attention to the decision of the Apex Court in State of Gujarat and Another Vs. Patel Chaturbhai Narsibhai and

Others, contended that the enquiry contemplated under Rule 4 of the Land Acquisition (Companies) Rules, 1963 had not been held lawfully and,

therefore, the subsequent notification was illegal. He also relied on another decision in H.M.T. House Building Co-operative Society Vs. Syed

Khader and others, and in H.M.T. House Building Co-operative Society Vs. M. Venkataswamappa and others, wherein it was held that prior

approval by the Government of housing scheme presented by society is a condition precedent. In General Government Servants Cooperative

Housing Society Ltd., Agra and Others Vs. Sh. Wahab Uddin and Others, it was held that Rule 4 of the Land Acquisition (Companies) Rules is

mandatory and unless the directions enjoined by Rule 4 are complied with, the notification u/s 6 will be invalid. They also held that consideration of

Rule 4 also shows that its compliance precedes the notification u/s 4 as well as compliance of Section 6 of the Act. In that case on facts the

Supreme Court has held that notification u/s 6 was invalid for non-compliance of Rule 4. Learned counsel for the petitioner also very much relied

on a decision of the Supreme Court in R.L. Arora Vs. State of U.P., . In this decision, Their Lordships have considered Sections 40(1)(b) and

41(5) -satisfaction of Government and jurisdiction of Court to enquire into. Though the learned counsel for the petitioner has very much pressed

into service the above referred decisions, it is clear that if the Government wants to acquire a land for company, undoubtedly they have to satisfy

and comply with the provisions contained in Sections 39, 40, 41 and 44(b) of the Act as well as Rules 3, 4 and 5 of the Rules. I have already

referred to the action taken by the Government and the particulars furnished in the counter affidavit filed by the first respondent regarding

compliance of all the above provisions. Learned Advocate General, by relying on a three Judge Bench decision of the Supreme Court, namely,

Fomento Resorts and Hotels Ltd. Vs. Gustavo Ranato Da Cruz Pinto and Others, contended that it is not necessary that enquiry under Rule 4

must in all cases precede issuance of the notification u/s 4 of the Act. After referring to the relevant provisions for acquisition of land by companies,

Their Lordships have held as follows:-(para 9, 10, 11 and 15)

9. A conspectus of the provisions of the Act as well as the Rules indicate that there are two purposes of acquisition of land one being for the public purpose and the other for the purpose of a Company, the appropriate government has to satisfy itself that such acquisition is needed and would be useful also for public need. Rule 4 of the Rules provides for satisfaction of the appropriate government with regard to various matters before acquisition.

10- The learned Judges of the Bombay High Court were of the view that the enquiry under Rule 4 was necessary for the initiation of the acquisition

proceedings to be satisfied that acquisition was necessary for the Company,

11. We are unable to accept this conclusion for the following reasons:

(i) To complete the acquisition proceedings, notification u/s 6 of the Act is required. Section 6 of the Act enjoins that the government has to be

satisfied that the land is needed for public purpose or for a Company and after declaration is made the acquisition is complete after the award is

made and possession of the land is taken when the land vests u/s 16 in the government free from encumbrances. Section 4 does not require as

such this satisfaction of the government. The government might initiate acquisition proceedings "if it appears" to the government that land is needed

either for public purpose or for a Company. That might appear to the government by enquiry aliunde or on a petition or application made by any

Company. Whether the need is proper or genuine that can be found by the government subsequently after notice u/s 4 of the Act. An enquiry u/s 4

might be made before issuance of the notification u/s 4 of the Act but it is not a sine qua non for the issuance of the notification u/s 4 to have an

enquiry under R.4 of the Rules. The scheme and the language of the Act and the Rules do not indicate that. As noted before, Section 4 does not

require government to be satisfied, it is sufficient if it appears to the government that land is needed either for public purpose or for a Company. It

may so appear to the government either by independent enquiry or from reports and information received by the government or even from an

application by the company concerned.

15. Reading the Act and the Rules and keeping in view the scheme of the Act, it is apparent, in our opinion, that before the issuance of Section 4

notification, there is no requirement as such of compliance with the procedure

contemplated by Rule 4 of the Rules. We are therefore unable to subscribe to the view that enquiry by Rule 4 must precede the issuance of notification u/s 4(1) of the Act. Furthermore as indicated before certain matters which are required to be done under Rule 4 cannot be done because the officer or the person authorised by him would have no authority unless notification u/s 4 is issued.

It is clear from the above decision that it is not necessary that enquiry under Rule 4 must in all cases precede the issuance of notification u/s 4(1) of the Act, and in an appropriate case if it is possible, enquiry under Rule 4 may be held before issuance of notification u/s 4(1) of the Act. However, it is not mandatory requirement that it must precede the issuance of notification u/s 4. It is also clear that Section 4 does not require Government to be satisfied, it is sufficient if it appears to the government that land is needed either for public purpose or for a company. It is also clear that the Government can get information either by independent enquiry or from reports and information received by the Government or even from an application by the company concerned.

13. Learned Advocate General has also very much relied on a recent judgment of the Supreme Court in *M/s. Larsen and Toubro Ltd. Vs. State of Gujarat and Others*, By relying on the said decision, he contended that in the absence of specific pleading, namely, details as to non-compliance of the statutory requirements, the vague allegations made cannot be considered. In that decision, Their Lordships have held: (para 10)

It is not enough to allege that a particular rule or any provision has not been complied with. It is a requirement of good pleading to give details, i.e., particulars as to why it is alleged that there is non-compliance with a statutory requirement. Ordinarily no notice can be taken on such an allegation which is devoid of any particular. No issue can be raised on a plea the foundation of which is lacking. Even where rule nisi is issued, it is not always for the department to justify its action when the court finds that a plea has been advanced without any substance, though ordinarily the department may have to place its full cards before the court

As rightly pointed out by the learned Advocate General, the State has more than justified its stand that there has been compliance with Rule 4, and the averments regarding non-compliance with Rule 4 were sketchy and without

any particulars whatsoever. In this regard, it is relevant to note the categorical assertion made by the first respondent in his counter affidavit regarding compliance of the provisions of the Act and the Companies

Rules. Paragraph 19 is relevant which runs as follows:-

Totally about 1400 acres of land were identified for setting up of this Industrial park by the third respondent herein and out of that a maximum

extent of lands were purchased by private negotiations with the owners. As the other landowners were not willing to part with the lands private

negotiation was not possible. The first respondent was approached for acquiring the lands under the Land Acquisition Act. The funds for the

acquisition have been paid by the Company. Part VII of the said Act applies to this case and the provisions envisages in part VII of the Act have

been fully complied with. It is incorrect to state that the provisions in part VII of the Act have been violated, I submit that as seen from

G.O.Ms.630 dated: 24.9.1998 and G.O.Ms.No. 631 dated: 24.9.98, the prior consent of the State Government was obtained for acquiring the

lands, as provided for u/s 39 of Land Acquisition Act. The prior consent of the State Government has been given based on the relevant reports

and consideration as contemplated u/s 40 of the Act, It is also submitted that the third respondent has entered into an agreement with the

Government on 23.8.2000, as provided for u/s 41 of the Act. The agreement dated: 23.8.2000 entered into by the third respondent with the State

Government, was approved in G.O.Ms.No. 323 Industries (M.I.D.1) Department dated: 15.9.2000 and it was published in the Tamil Nadu Govt.

Gazette Dt. 15.9.2000 in G.O.Ms.323 Industries (MID-1) Department. Thus all the requirements contemplated in part VII of the Land

Acquisition Act are fully complied with. If the landowners had chosen to convey their lands through their power of Attorney no one can find fault

with the same. The land is not being acquired for real estate purpose as claimed by the petitioner. As said above the third respondent company has

been promoted at the instance of the Government of Tamil Nadu with the object of promoting an Industrial Park and Tamil Nadu Industrial

Development Corporation is a co-promoter of the third respondent company. The object of the acquisition is that number of Multi National

Companies like Ford, Hyundai Motor Corporation etc., have set up huge

automobile units for the manufacture of different kinds of Motor Vehicles in and around Chennai and considering the favourable atmosphere for further establishment of auto ancillary units by attracting foreign investment world over, the Government of Tamil Nadu with the co-operation of the promoters of the 3rd respondent company conceived the idea to establish an Industrial Park of International Standard on the east of National Highway 45 (NH 45) near Chengalpattu, Kancheepuram District. The area was identified and the 3rd respondent company was asked to take steps to acquire lands situated at Veerapuram, Paranur, Thenmelpakkam, Rajakulipettai, Hanumanthai, Kunnavakkam, Anjur villages and in Survey No. 405 in Chettipunniyam village within Chengalpattu Taluk in Kancheepuram District by private negotiations. The contiguous lands needed for the Project are chosen without any displacement of residents of villages and without affecting the environment and taking into account the proximity to the city and National Highway with a possibility to develop a straight wider approach road and rail connectivity.

In the light of what is stated above and in view of the legal position coupled with the factual details, I reject the argument advanced by the learned counsel for the petitioner and hold that respondents 1 and 2 have fully complied with and followed Sections 39, 40, 41, 44(b) of the Act and Rules 3,4 and 5 of the Rules.

14. Regarding the other contention that enquiry u/s 5-A of the Act was not conducted in accordance with law, here again the records as well as the particulars furnished by the first respondent clearly show that first of all the objection submitted by the petitioner is beyond the prescribed period. In other words, the petitioner did not submit his objection within 30 days from the date of publication of 4 (1) notification as contemplated in Section 5-A(1) of the Act. Accordingly, as rightly contended by the learned counsel for the respondents, it is not open to the petitioner to contend that the objections were not referred to the requisitioning body. The details furnished would show that notice dated 12.11.99 was sent to the petitioner for 5-A enquiry posted to 16.12.99. However, the petitioner did not respond to the same. The Manager of Blossom Biotech Limited sent a letter dated 13.1.2000 on behalf of the petitioner, requesting time for four weeks for filing objections and the time was granted. Then, the

petitioner has sent his objections dated 25.2.2000 to the second respondent. The second respondent forwarded the said objections to the

requisitioning body and the latter submitted its remarks dated 10.4.2000 on the objections to the second respondent on 11.4.2000. Thereafter, the

second respondent had sent a notice to the petitioner for 5-A enquiry, fixing the enquiry on 27.4.2000. Neither the petitioner nor his representative

appeared for the 5-A enquiry on 27.4.2000 and hence the 5-A enquiry was concluded. The second respondent has passed orders on the 5-A

enquiry on 26.5.2000 rejecting the objections of the petitioner after duly considering the case. The above factual details would go to show that all

the requirements of the Act have been strictly followed and the contentions of the petitioner are totally incorrect and liable to be rejected.

15. Mr. G. Masilamani, learned senior counsel for the third respondent, has contended that apart from the fact that respondents 1 and 2 have

complied with the provisions of the Act and Rules, both the writ petitions are liable to be dismissed on the ground of laches, since the petitioner has

filed the above writ petitions only on 17.7.2001, whereas the award was passed on 30.12.2000. The Supreme Court in more than one case has

held that writ petition challenging acquisition proceedings long after passing of the award and vesting of the land in State is not maintainable and the

same is liable to be dismissed on the ground of delay and laches. They further held that the person who approaches the court belatedly will be told

that laches close the gates of the Court for him to question the legality of the notification u/s 4(1), declaration u/s 6 and the award of the Collector

u/s 11 -vide (1) Star Wire (India) Ltd. Vs. State of Haryana and Others, (2) Executive Engineer, Jal Nigam Central Stores Division, U.P. Vs.

Suresha Nand Juyal alias Musa Ram (Deceased) by LR's and others, and (3) The Municipal Council, Ahmednagar and Another Vs. Shah Hyder

Beig and Others, .

16. As already referred to by me, the land was acquired to establish an Industrial Park by name and style of Mahindra Industrial Park Limited. The

Government was satisfied within the meaning of Section 40(1)(b) of the Act, that it was a work which would prove useful to the public. They also

placed the relevant records. Further, the details furnished in the counter affidavit of the first respondent show that they complied with the provisions

of the Act and the Land Acquisition (Companies) Rules, 1963. In such circumstances, as observed by the Supreme Court in R.L. Arora Vs. State of U.P., , it is no part of the duty of this Court to sit in judgment over the merits of Government's satisfaction, As a matter of fact, it is my duty to point out that I find no fault with the Government for having been satisfied that the proposed Industrial Park would be useful to the public. I am also satisfied that the third respondent company has been promoted on the initiative of the Government of Tamil Nadu with the object of promoting an Industrial Park and the Industrial development arm of the Government, namely, TIDCO is a co-promoter of the third respondent company. The object of the acquisition is that number of Multi National Companies like Ford, Hyundai Motor Corporation etc., have set up huge automobile units for the manufacture of different kinds of Motor Vehicles in and around Chennai and considering the favourable atmosphere for further establishment of auto ancillary units by attracting foreign investment world over the Government of Tamil Nadu with the co-operation of the promoters of the third respondent company conceived the idea to establish an Industrial Park of International Standard on the east of National Highway 45 near Chengalpattu, Kancheepuram District. Further, the third respondent has also filed a separate counter affidavit denying allegations made against them.

17. In the light of what is stated above, I do not find any merit in the writ petitions; accordingly they are dismissed. No costs. Consequently, the WPMPs., and WVMPs., are closed.