

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2016

C O R A M

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. Nos.18265 & 18266 of 2015

V.Lakshmikanthan ... Petitioner in W.P.No.18265/2016

P.Murthy ... Petitioner in W.P.No.18266/2016

Vs

1.The Collector of Cuddalore,
Cuddalore District.

2.The Special Tahsildar,
Land Acquisition No.III, Neyveli-2,
Cuddalore District.

3.The Managing Director,
Neyveli Lignite Corporation,
Neyveli-II, Cuddalore District.... Respondents in both W.Ps.

W.P.No.18265 of 2015 has been filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the first and second respondents to provide Fair Compensation for the lands of the petitioner comprised in extent of Nanja lands 0.28.5 comprised in Survey No.34/1A3 and Nanja lands 0.42.5 comprised in Survey No.9/2B3 and Nanja lands in an extent of 0.43.0 comprised in Survey No.1/3B1 and Nanja lands in an extent of 0.21.5 comprised in Survey No.23/6A and Nanja lands in an extent of 0.43.0 comprised in Survey No.33/5C2 and Nanja lands in an extent of 0.24.5 comprised in Survey No.33/8 and Nanja lands in an extent of 0.16.0 comprised in Survey No.10/5B at 147, U.Athanur, Virudhachalam Taluk, Cuddalore District, without due process of law or under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, for the Industrial purposes 1997 under the Right to Fair Compensation Act 2015.

W.P.No.18266 of 2015 has been filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the first and second respondents to provide Fair Compensation for the lands of the petitioner comprised in extent of 7 ½ acres of Nanja lands 0.28.0 comprised in Survey No.20/1D and Nanja lands 0.19.5 comprised in Survey No.20/2B and Nanja lands in an extent of 0.25.0 comprised in Survey No.20/8 and Nanja lands in an extent of 0.72.5 comprised in Survey No.13/B

and Nanja lands in an extent of 0.09.0 comprised in Survey No.18/2B and Nanja lands in an extent of 0.08.5 comprised in Survey No.18/3 and Nanja lands in an extent of 0.07.5 comprised in Survey No.18/4B and Nanja lands in an extent of 0.28.5 comprised in Survey No.18/6B at U.Athanur, Virudhachalam Taluk, Cuddalore District, without due process of law or under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997, for the Industrial purposes 1997 under the Right to Fair Compensation Act 2015.

For Petitioners : Mr.R.Karunagaran
in both WPS

For Respondents : Mr.R.Rajeswaran,
in both WPS Special Government Pleader
for R.R.1 and 2.

Mr.F.B.Benjamin George for R3

O R D E R

Heard Mr.R.Karunagaran, learned Counsel appearing for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader accepting notice for the respondents 1 and 2 and Mr.F.B.Benjamin George, learned counsel Standing Counsel accepting notice for third respondent and with their consent, the Writ Petitions are taken up for final disposal.

2. These petitions have been filed, seeking for issuance of a Writ of Mandamus, directing the respondents, to provide fair compensation for the lands of the petitioner, which were acquired by the respondents, under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (in short the 'Act').

3. It is stated that the petitioners have given representations, dated 27/4/2015, to the respondents, requesting for fair compensation. However, there is no proof that the said representation has been received by the respondents, since the petitioners have not produced any acknowledgement to show that the representations have been sent by them and received by the respondents.

4. In any event, it is seen that notices under Sections 3 (2) of the Act, have been issued to the petitioner, calling for the details of the lands in question regarding assessment of compensation. However, it appears that the petitioners did not submit any representation pursuant to the said notices, but, have approached this Court.

5. In the light of the above facts, the relief sought for cannot be granted at this stage. However, liberty is given to

the petitioners to submit their objection / reply to the notices and if the matter is still pending for consideration, the first respondent shall consider the same and pass orders, on merits and in accordance with law. In case the first respondent has already proceeded further pursuant to the notices, it is open to the petitioners to question the order that might have been passed by the first respondent, which shall be communicated to the petitioners within three weeks from the date of receipt of this order.

6. With the above observation, these writ petitions are disposed of. No costs. Consequently, the connected M.P.Nos.1 of 2015 are closed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

- 1.The Collector of Cuddalore,
Cuddalore District.
- 2.The Special Tahsildar,
Land Acquisition No.III, Neyveli-2,
Cuddalore District.
- 3.The Managing Director,
Neyveli Lignite Corporation,
Neyveli-II, Cuddalore District.

+2cc to Mr.R.Karunagaran, Advocate, S.R.No.14170 and 14171
+2cc to Mr.F.B.Benjamin George, Advocate, S.R.No.14217 and 14218
+1cc to the Government Pleader, S.R.No.14340

W.P.Nos.18265 & 18266 of 2015

scd(CO)
srg (22/03/2016)

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