

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.2656 of 2016

&

WMP.No.2205 of 2016

R.Dharmadurai

[PETITIONER]

Vs

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

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondents to provide Fair Compensation for the lands of the petitioner measuring 0.09.0, comprised in Survey NBo.15/15A, and Nanja lands measuring 0.41.5 comprised in Survey No.10/4B1, and Nanja lands, measuring an extent of 0.33.0 comprised in Survey No.10/7A, and Nanja lands measuring an extent of 0.18.0 comprised in Survey No.55/8, totalling an extent of 1.01.5 Hectare in 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 Petitioner : Mr.R.Karunakaran

For Respondents :Mr.R.Lakshmi Narayanan
Addl. Govt. Pleader for R1&R2

Mr.F.B.Benjamin George for R3

O R D E R

Heard Mr.R.Karunagaran, learned Counsel appearing for the petitioner, Mr.R.Lakshmi Narayanan, learned Additional 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 Petition is taken up for final disposal.

2.This petition has 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 petitioner has given a representation, dated 27.09.2015, to the first respondent, requesting for fair compensation. However, there is no proof that the said representation has been received by the respondents, since the petitioner has not produced any acknowledgement to show that the representation has been sent by him and received by the respondents.

4.In any event, it is seen that notice under Sections 7 (5) and 7(2) of the Act, has been issued to the petitioner, calling for the details of the land in question regarding assessment of compensation. However, it appears that the petitioner did not submit any representation pursuant to the said notice, dated 21.08.2015, but, has 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 petitioner to submit his objection / reply to the notice, dated 21.08.2015 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 the event, the first respondent has already proceeded further pursuant to the notice dated 21.08.2015, it is open to the petitioner to question the order that might have been passed by the first respondent.

With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

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To

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

+1 cc to Mr.FB.Benjamin George Advocate sr.5245/16
+1 cc to Government Pleader High Court Madras
sr.4997/16
+1 cc to Mr.R.Karunagaran Advocate sr.4969/16

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