

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5/2/2016

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.4394 of 2016

V. Lakshmikanthan

...Petitioner

Vs

- 1 The Collector of Cuddalore,
Cuddalore District.
 - 2 The Special Tashildar,
Land Acquisition No.III, 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 comprised in extent of Nanja lands 0.16.0 comprised in Survey No.48/2, Nanja lands 0.43.00 comprised in S.No.3b1, Nanja lands 0.16.00 comprised in S.No.5B, Nanja lands 0.77.50 comprised in S.No.5 Nanja lands 0.50.50 comprised in Survey No.5A, nanja lands 0.43.00 comprised in Survey No.5C2, Nanja lands 0.24.50 comprised in Survey No.8, Nanja lands 0.28.50 comprised in Survey No.1A3, Nanja lands 0.16.00 comprised in Survey No.2, Nanja lands 0.42.50 comprised in Survey No.2B3, Nanja lands 0.4.00 comprised in Survey No.1A, Nanja lands 0.77.50 comprised in Survey No.32/5, Nanja lands 0.11.0 comprised in Survey No.48/11, Nanja lands 0.04.00 comprised in Survey No.48/1A, Nanja lands 0.34.00 comprised in Survey No.1/5 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, 2013.

For Petitioner : Mr.R.Karunagaran

For Respondents :Mr.R.M.Muthukumar,
Additional 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.M.Muthukumar, 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 19/8/2015, to the respondents, requesting for fair compensation. However, there is no proof that the said representation has been received by the respondents, since the 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 19/8/2015, 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 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, it is open to the petitioner to question the order that might have been passed by the first respondent.

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

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

mvs.

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.

+1cc to Mr.R.Karunagaran, Advocate, S.R.No.7704
+1cc to Mr.F.b. Benjamin George, Advocate, S.R.No.7681

SVI (CO)
EU(22/02/2015)

सत्यमेव जयते

W.P. No.4394 of 2016

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