

CMP Nos.20340 & 20523 of 2016
in
WA Sr.Nos.84334 & 84339 of 2016

S.MANIKUMAR, J.,
AND
M.GOVINDARAJ, J.,

Mr.Chockalingam, Mr.Thirugnanasambandam and Mr.Balasubramanian, have filed W.P.No.30188 of 2015, for a writ of certiorarified mandamus, to call for the records relating to the notice in reference No. L.6/2539/2008 dt 31.12.2008 under Sec. 3 (2) of Tamil Nadu Acquisition of lands for Industrial Purposes Act 10 of 1999 on the file of the District Collector, Cuddalore District, the 2nd respondent therein and notice issued under Section Sec. 7(5) of Tamil Nadu Land Acquisition for Industrial Purposes Act 10 of 1999 in Ref. No. L6/ 2539/2008 dt 14.2.2012 on the file of 2nd respondent and G.O.Ms. No.9 Industries (NLC) 4th January 2012 published in Tamil Nadu Government Gazette No.5 dt 4.1.2012 Part II Section 2 Industries Department Acquisition of Lands Notification U/S 3 (1) of Tamil Nadu Acquisition of Land for Industrial Purpose Act 1997 (Tamil Nadu Act 10 of 1999) on the file of the State Government of Tamil Nadu, represented by its Principal Secretary to Government, Industries (NLC) Department, Fort St. George, Chennai, the first respondent therein for the lands in Cuddalore District, Chidambaram Taluk, 2, Velayamadevi Melpatty Village, Block-46, in respect of the petitioners land in

<i>Sl.No.</i>	<i>R.S.No.</i>	<i>Classification</i>	<i>Extent Required / acquired (in Hec)</i>
12	39/2A	Wet	0.20.0
14	39/3A	Wet	0.53.0

and consequent impugned award No.9/14 in Ref.L6/2539/2006 dated 30.10.2014 on the file of the second respondent and to quash the same in respect to the above land and direct the respondents therein to apply the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and to forbear the respondents therein from taking possession of the above lands in the subject matter of the above notices.

2. The respondents in W.P.No.30188 of 2015 are viz., (1) State of Government of Tamilnadu, rep. by its Principal Secretary to Government, Industries (NLC) Department, Fort St. George, Chennai - 600 009, (2) District Collector, Cuddalore District and (3) Special Tahsildar, L.A.No.7, Neyveli-2.

3. Mr.Balasubramanian, has also filed another W.P.No.30189 of 2015 for a writ of certiorarified mandamus, to call for the records relating to the impugned notice in reference No. L.4/685/2010 dt 18.4.2010 under Sec. 3 (2) of Tamil Nadu Acquisition of lands for Industrial Purposes Act 10 of 1999 on the file of the District Collector, Cuddalore District, the 2nd respondent therein

and notice issued under Section Sec. 7(5) and 7(2) of Tamil Nadu Land Acquisition for Industrial Purposes Act 10 of 1999 in Ref. No. L4/ 685/2010 dt 24.2.2012 on the file of 2nd respondent and G.O.Ms. No.135 Industries (NLC) 13th September 2011 published in Tamil Nadu Government Gazette No.329 dt 13.9.2011 Part II Section 2 Industries Department Acquisition of Lands Notification U/S 3 (1) of Tamil Nadu Acquisition of Land for Industrial Purpose Act 1997 (Tamil Nadu Act 10 of 1999) on the file of the State Government of Tamil Nadu, represented by its Principal Secretary to Government, Industries (NLC) Department, Fort St. George, Chennai, the first respondent therein, for the lands in Cuddalore District, Chidambaram Taluk, 2, Velayamadevi, Melpatty Villave, Block-13, in respect of the petitioners' land in

<i>Sl.No.</i>	<i>R.S.No.</i>	<i>Classification</i>	<i>Extent Required / acquired (in Hec)</i>
13	77/2A	R.Wet	0.09.5

and the consequential impugned award No.4/2014, in Ref.L4/685/2009, dated 27.08.2014, on the file of the second respondent and to quash the same in respect of the above Land and to direct the respondents therein to apply the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and to forbear the respondents therein from taking possession of the above lands.

4. The respondents in W.P.No.30189 of 2015 are viz., (1) State of Government of Tamilnadu, rep. by its Principal Secretary to Government, Industries (NLC) Department, Fort St. George, Chennai - 600 009, (2) District Collector, Cuddalore District and (3) Special Tahsildar, L.A.No.6, Neyveli-2.

5. Upon hearing the learned counsel for the writ petitioners and the respondents therein, vide common order in W.P.Nos.30188 and 30189 of 2015 dated 11.04.2016, a learned Single Judge allowed both the writ petitions, holding that the petitioners are entitled to the benefit of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (the Central Act, 30 of 2013).

6. Being aggrieved by the same, M/s. NLC India Limited (formerly known as M/s.Neyveli Lignite Corporation Limited), represented by its Chairman and Managing Director, Neyveli has filed W.A. Sr.Nos.84334 and 84339 of 2016, respectively. Appellant, not a party to the writ proceedings has sought leave to file writ appeals, contending inter alia that lands were acquired for mining purpose. Compensation was already determined and deposited in the Special Sub Court for Land Acquisition Cases, Cuddalore. There is a ownership dispute.

The respondents though appeared before the land acquisition Court, subsequently, remained absent and as a result of which land acquisition cases were dismissed for default on 28.10.2016.

7. Land acquisition proceedings were taken on the request of M/s. NLC India Limited (formerly known as M/s.Neyveli Lignite Corporation Limited), Neyveli. However, without impleading the Corporation, writ petitions have been filed and vide common order in W.P.Nos.30188 and 30189 of 2015 dated 11.04.2016, a declaratory relief has been granted to the respondents. M/s. NLC India Limited (formerly known as M/s.Neyveli Lignite Corporation Limited), Neyveli, has further contended that the respondents 1 to 3 are not entitled to the relief sought for in the writ petition. According to them, Section 13 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is not applicable. The writ petitions are not maintainable.

8. Though, all the respondents have been served and their names are also shown in the cause list, there is no appearance for the private respondents. Mr.T.M.Pappiah, learned Special Government Pleader, represented the respondents 4 to 6 in CMP No.20340 of 2016 and respondents 2 to 3 in CMP No.20523 of 2016.

9. We have gone through the material on record. Prima facie we are of the view that the proposed appellant is a necessary and proper party for effective adjudication of the dispute. Admittedly, M/s. NLC India Limited (formerly known as M/s.Neyveli Lignite Corporation Limited), Neyveli, has not been impleaded as respondent before the writ Court.

10. Having regard to the above, we deem it fit to grant leave to file appeals as against the common order dated 11.04.2016 made in W.P.Nos.30188 and 30189 of 2015. Both the Civil Miscellaneous Petitions are ordered.

[S.M.K., J.] [M.G.R., J.]
24.01.2017

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