

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.12.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.611 of 2016,
CMP No.8077 of 2016 and
W.P.No.44004 of 2016

W.A.No.611 of 2016

- 1.The State of Tamil Nadu
Represented by Secretary,
Industries (MIDI) Department,
Fort St.George, Chennai -9.
 - 2.The District Collector,
Tiruvallur, Tiruvallur District.
 - 3.The Special Tahsildar (LA)
Aromatics Complex (MRL)
Saidapet, Chennai -15.
-Appellants

Vs

- 1.M.Subramani
 - 2.The Management of Chennai
Petroleum Corporation Limited,
536, Anna Salai,
Teynampet, Chennai -18.
-Respondents

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order of this Court, dated 13.02.2015 made in
W.P.No.5469 of 2011.

Prayer in WP.No.5469.2011 filed under Article 226 of the
Constitution of India praying for a writ of certiorarified
Mandamus calling for the records pertaining to the Order cum
Endorsement of the 3rd respondent bearing Na.Ka.No.122 of 1997
dt.20.5.2010 and quash the same and also directing the
respondents to give the petitioner the Rehabilitation Package
given to the other similarly affected land owners in Vaikadu
Village Madhavaram Taluk Thiruvallur District for the
acqusition of their lands for the 4th respondent.

W.P.No.44004 of 2016

M.Subramani

... Petitioner

Vs.

- 1.The Government of Tamilnadu
Represented by Secretary,
Revenue Department,
Fort St.George, Chennai -9.

- 2.The Government of Tamilnadu
Rep. by its Secretary,
Industries (MIDI) Department,
Fort St.George, Chennai -9.
- 3.The District Collector,
Tamilnadu
- 4.The Special Tahsildar (LA)
Aromatics Complex (MRL)
Saidapet, Chennai -15.
- 5.The Management of Chennai
Petroleum Corporation Limited,
No.536, Anna Salai,
Teynampet, Chennai - 600 018.Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to give the petitioner the rehabilitation package relief given to the Land encroachers in Vaikkadu Village, Manali, Thiruvallur District for the acquisition of the land at S.No.111/10B, Vaikkadu Village, Manali.

Mr.V.Anandhmoorthy
Addl.Govt.Pleader : For Appellants in W.A.No.611 of 2016
For Respondents 1 to 4 in
W.P.No.44004 of 2016

Ms.G.Devi : For R1 in W.A.No.611 of 2016
For petitioner in W.P.No.44004 of 2016

Mr.R.Muthukumarasamy
Senior Counsel
for Mr.R.Senthilkumar : For R2 in W.A.No.611 of 2016
For R5 in W.P.No.44004 of 2016

C O M M O N J U D G M E N T

(Judgment of the Court was made by K.K.SASIDHARAN,J.)

W.A.No.611 of 2016

The writ petition filed by the respondent in W.P.No.5469 of 2011 challenging the order passed by the Special Tahsildar (Land Acquisition), Aromatics Complex, Saidapet, Chennai, denying the relief claimed by the respondent to give him the Rehabilitation Package given to the other similarly affected land owners in Vaikadu Village, was allowed by the learned single Judge. The order is under challenge in this intra court appeal.

2. We have heard the learned Additional Government Pleader on behalf of the appellants, the learned counsel for the first respondent and the learned Senior Counsel for the second respondent in the appeal.

3. The Government of Tamil Nadu initiated proceedings for acquisition for setting up an Aromatics Complex and other downstream projects close to Madras Refineries Limited at Manali. The Government initiated proceedings for acquiring patta lands and transfer of poramboke lands in the Manali area for the project floated by the second respondent. The requisitioning body wanted early possession. Therefore, a Scheme was floated to give certain benefits to the encroachers, who were in possession of the poramboke lands. It was specifically meant only to those who were in possession of the poramboke lands.

4. The patta land owned by the first respondent was the subject matter of acquisition along with larger extent of land. The first respondent was given compensation pursuant to the Award passed by the Land Acquisition Officer. Since he was not given Rehabilitation Package, the first respondent submitted application before the Special Tahsildar (Land Acquisition). The application was rejected.

5. Before the Writ Court, the first respondent contended that he is also affected on account of the land acquisition and as such, he is eligible for Rehabilitation package. The claim was contested by the appellants on the ground that special package was meant only for those who were in possession of the Government land.

6. The learned single Judge proceeded as if the land owners whose patta lands were acquired were also entitled for the Rehabilitation Package.

7. The Rehabilitation Package was announced by the second respondent for the purpose of taking possession of the poramboke land without delay which was also allotted along with the acquired land. The second respondent wanted to commission the project earlier. It was only for the said purpose, a special package was given to those who were in illegal possession of the land. The first respondent was in legal possession of his patta land. Therefore, he was given compensation taking into account the total extent acquired from him. There is no question of giving the special package meant to the encroachers to the landowners like the first respondent.

8. Even though direction was given to produce materials to show that even the landowners having patta were also given special package, no such document was produced by the first respondent before us.

9. The compensation issue raised by the first respondent was settled before the Lok Adalat. It was only thereafter, the first respondent made a claim that he is still entitled to the special package.

10. The documents available on record very clearly shows that the special package was given only to those who were in unauthorised occupation of the Government land. It was given with a specific purpose for taking possession of the land earlier. This aspect was not considered by the learned single Judge. We are therefore of the view that the impugned order is liable to be set aside.

W.P.No.44004 of 2016

11. This writ petition is at the instance of the first respondent in W.A.No.611 of 2016 and the prayer is to give him the Rehabilitation Package given to the land encroachers in Vaikkadu Village, Manali. We have already arrived at a conclusion that the petitioner is not entitled to the relief which was given to the encroachers.

12. The learned counsel for the writ petitioner/first respondent in the intra court appeal submitted that the petitioner's son by name S.Deenadhayalan has worked earlier as Mechanical Fitter under the Chennai Petroleum Corporation Limited and as such, at least, his case should be considered for employment.

13. The Chennai Petroleum Corporation Limited with a view to take possession of the poramboke lands extended certain benefits to the encroachers. The compensation paid to the land owner in the subject case was less than the amount given by way of special package to the encroachers. We are therefore of the view that M/s.Chennai Petroleum Corporation Limited must consider the request made by the land owner for giving appointment to his son taking into account his earlier employment as Mechanical Fitter through a contractor.

14. We hope and trust that the 5th respondent in the writ petition would consider the request leniently in view of the peculiar background facts without delay.

15. In the upshot, we allow the intra court appeal. The writ petition is disposed of as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
The Government of Tamilnadu
Revenue Department,
Fort St.George, Chennai -9.

2.The Government of Tamilnadu
Rep. by its Secretary,
Industries (MIDI) Department,
Fort St.George, Chennai -9.

3.The District Collector,Tamilnadu
Thiruvallur, Thiruvallur District

4.The Special Tahsildar (LA)
Aromatics Complex (MRL)
Saidapet, Chennai -15.

5.The Management of Chennai
Petroleum Corporation Limited,
No.536, Anna Salai,
Teynampet, Chennai - 600 018.

+1cc to Government Pleader SR.No.87686

+1cc to Mr.R.Senthilkumar, Advocate SR.o.86558

KAN(CO)
sm:9.1.2018

W.A No.611 of 2016 and
W.P.No.44004 of 2016

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