

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.01.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition No.12340 of 2003

and W.P.M.P. No.15500 of 2003

Viruthambal

.. Petitioner

Versus

1.The State of Tamil Nadu,
rep. by Secretary to Government,
Revenue Department,
Fort St. George, Chennai-600 009.

2.The Deputy Collector,
Land Acquisition-I,
Neyveli-2.

3.The Special Tahsildar,
Land Acquisition-I,
Neyveli-2.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the third respondent to pay compensation for the lands in R.S. No.103/6, Patta No.280 an extent of 1 acre in Veppankurichi Village, Old Neyveli, Vridhachalam Taluk, Cuddalore District.

For Petitioner : Mr.R.Sethuvarayar

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

This writ petition has been filed seeking a direction to the third respondent to pay compensation for the lands in R.S. No.103/6 measuring to an extent of 1 acre in Veppankurichi Village, Old Neyveli, Vridhachalam Taluk, Cuddalore District.

2.The case of the petitioner is that her husband was given conditional assignment of lands by the Government way back in

the year 1991 in the above said Survey Number. Thereafter, her husband expired on 10.10.1992 and that subsequently, the lands were acquired by the Government for the purposes of expansion of Neyveli Lignite Corporation without payment of compensation to the petitioner. Therefore, the petitioner is before this Court for a mandamus to the Government to pay her the necessary compensation under the Land Acquisition Act.

3.The respondents had filed their counter contesting the claim by contending that the petitioner's husband was not the owner of the land, but, he was conditionally assigned the land by the Government and a condition is that he should surrender the land as and when the same is required for expansion of Neyveli Lignite Corporation.

4.Learned counsel for the petitioner brought to the notice of this Court that the issue was decided by a learned Single Judge in R.Ganagasabai vs. The District Collector and others in W.P. Nos.8110 and 14085 of 2009 dated 28.11.2011 in which this Court has rejected the plea taken by the Government and has directed the Government to pay the compensation in terms of G.O. Ms. No.190, Industries (MIA-II) Department dated 05.06.1998.

5.In the considered opinion of this Court, the order passed in the aforesaid Writ Petition would equally apply to the petitioner also.

6.It is settled that when the Government seeks to acquire the land that was assigned to persons, yet compensation should be given to the assignee and they cannot be left high and dry.

7.In view of the above, this petition is disposed of with the following directions:

"The respondents shall pass appropriate orders in terms of G.O. Ms. No.190, Industries (MIA-II) Department dated 05.06.1998 and the order passed by this Court in W.P. Nos.8110 and 14085 of 2009, dated 28.11.2011 on the claim made by the petitioner, on merits, within a period of three months from the date of receipt of a copy of this order."

No costs. Consequently, connected W.P.M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1. The Secretary to Government,
Revenue Department,
Fort St. George, Chennai-600 009.

2.The Deputy Collector,
Land Acquisition-I,
Neyveli-2.

3.The Special Tahsildar,
Land Acquisition-I,
Neyveli-2.

+lcc to Mr.R. Sethuvarayar, Advocate, S.R.No.3197
+lcc to the Government Pleader, S.R.No.3397

pa (CO)
md(09/02/2017)

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