

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.38130 of 2016

D. Subramanian

...Petitioner

Vs.

1. The Secretary to Government
Revenue Department
Fort.St.George
Chennai-600 009
2. The District Collector
Nagapattinam District
District Collectorate
Public Road Office
Nagapattinam - 611 003
3. The Tahsildar
Taluk office Kuttalam
Nagapattinam District
4. The District Revenue Officer
Office of the District Collector
Nagapattinam District
5. General Manager (HR & ER)
ONGC
Neravy, Karaikal - 609 604

....Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to either acquire the petitioner's land and pay his compensation under the right to fair compensation and transparency in land acquisition rehabilitation and resettlement Act, 2013 apart from payment of interest and damages for the use and occupation of the property at the rate of 12% per annum on the present market value and also for additional compensation for country's first helium extraction pilot plant in land, comprised in R.S.No.12/2 admeasuring about 0.03.0 Hectares and Rs.No.11/1 admeasuring an extent an extent of 0.05.0 hectares, totally admeasuring an extent of Hc.0.08.0 of land, situated in Kuttalam village and taluk.

For Petitioner ... Mr. K. Ramu

For Respondents ... Mr. R.A.S. Senthilvel
Additional Government Pleader
For R1 to R4
Mr. A. Muralidharan
For R5

JUDGMENT

The petitioner's land has been taken over for the purpose of utilisation by the fifth respondent albeit, without the consent of the petitioner. Thus, the unilateral rent is being paid. Under those circumstances, the petitioner made a representation to the second respondent seeking to take land permanently by way of sale and fix the consideration. On receipt of the said representation on 11.01.2016, the second respondent asked the fourth respondent to have a combined discussion with the petitioner and fifth respondent and send a report in tune with the same. The fourth respondent has sent the communication in Na.Ka. 5050/2015/A2 asking the fifth respondent to come for negotiation. By letter dated 22.07.2016, the fifth respondent has stated that a responsible officer would be sent for the aforesaid purpose to have discussion with the land owners and the Tahsildar of Kuttalam viz., the third respondent. Despite the same, no progress is made and hence the present writ petition.

2. Heard both sides.

3. The issue moves at a snail's pace and unilateral rent fixed for the land of the petitioner in the year 1994 cannot be allowed to continue for ever, especially, when the said land is not feasible for usage otherwise by the petitioner. That is the reason why the petitioner offered to sell his land by fixing the just compensation.

Under those circumstances, this Court is inclined to direct the second respondent to get the appropriate report from respondents 3 and 4, which shall be based upon due consultation with the land owners including the petitioner and the fifth respondent. Respondents 3 and 4 shall send the aforesaid report within a period of eight weeks from the date of receipt of a copy of the order. On receipt of the same, the second respondent shall once again call the parties interested and fix the compensation. The second respondent shall comply with the

aforesaid direction within a period of eight weeks thereafter. This order is passed for the reason that the petitioner has expressed his willingness to sell the property. The writ petition stands disposed of accordingly. No Costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

AT
To

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Chennai-600 009
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4. The District Revenue Officer
Office of the District Collector
Nagapattinam District

+1cc to Government Pleader sr.23523

+1cc to Mr.A.Muralidharan, Advocate sr.23332

+1cc to Mr.K.Ramu, Advocate sr.23397

lrs (co)
ss (2/5/2017)

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