

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.8691 of 2017

N.Dakshanamoorthy

[Petitioner]

Vs

1. The Secretary to Government
Revenue Department
Fort St.George,
Chennai 9.

2. The District Collector,
Tiruvarur District
Tiruvarur.

3. The Revenue Divisional Officer,
Tiruvarur District,
Tiruvarur.

4. The Tahsildar,
Tiruvarur.

5. The General Manager,
HR-ER & SM (LAQ) ONGC Ltd.,
Cauvery Asset,
L.A.Section,
Neravy, Karaikal

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 to 4 to act as per the requisition made by the 5th respondent in his letters in No.KKL/CP/LAQ/PA/VJAB/F158 dated 15.10.2012 to initiate proceedings under direct negotiations to settle the compensation or to initiate proceedings under the Land Acquisition Act (Act No.30 of 2013) and to fix the fair rent from 2012 in

accordance with the present market value, soltium at 30% and interest at the rate of 12% per annum on the value of the present market price and also additional compensation for country's first helium extraction pilot plant land in S.No.390/2 total extent of 24829 sq.ft., Vijayapuram Village, Tiruvarur Taluk and District.

For Petitioner : Mr.S.Palaniswamy

For Respondents : Mr.S.Diwakar, SGP (R1-4)

ORDER

Mr.S.Diwakar, learned Special Government Pleader takes notice for the respondents 1 to 4. By consent, the main writ petition is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents 1 to 4 to act as per the requisition made by the 5th respondent in his letter dated 15.10.2012 to initiate proceedings under direct negotiations to settle the compensation or to initiate proceedings under the Land Acquisition Act and to fix the fair rent from 2012 in accordance with the present market value, solatium at 30% and interest at the rate of 12% per annum on the value of the present market price and also additional compensation for country's first helium extraction pilot plant land in S.No.390/2 measuring an extent of 24829 sq.ft., Vijayapuram Village, Tiruvarur Taluk and District.

3. It is submitted by the learned counsel appearing on both sides that the issue involved in this writ petition is covered by an order of this Court dated 18.04.2017 made in W.P.No.38130 of 2016, wherein, it has been held as follows:-

"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.

4. 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".

4. Following the said order, this Court also disposed of the writ

petitions in W.P.Nos.1566 to 1569 of 2017 etc., batch, by order dated 29.06.2017. The learned counsel on either side submitted that the same order can be passed in this writ petition also.

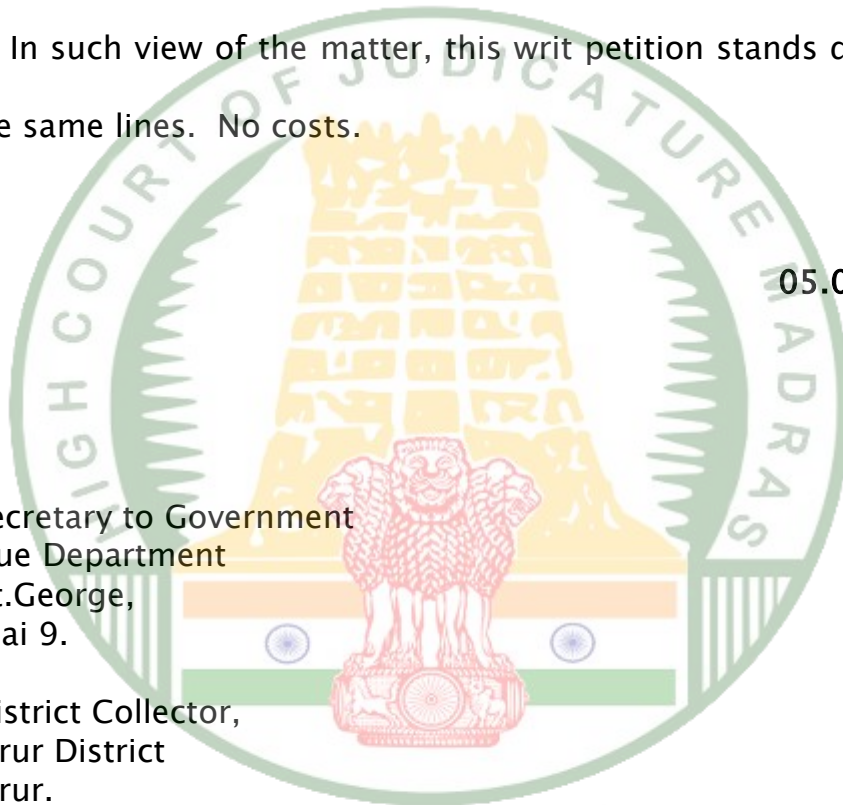
5. In such view of the matter, this writ petition stands disposed of on the same lines. No costs.

05.09.2017

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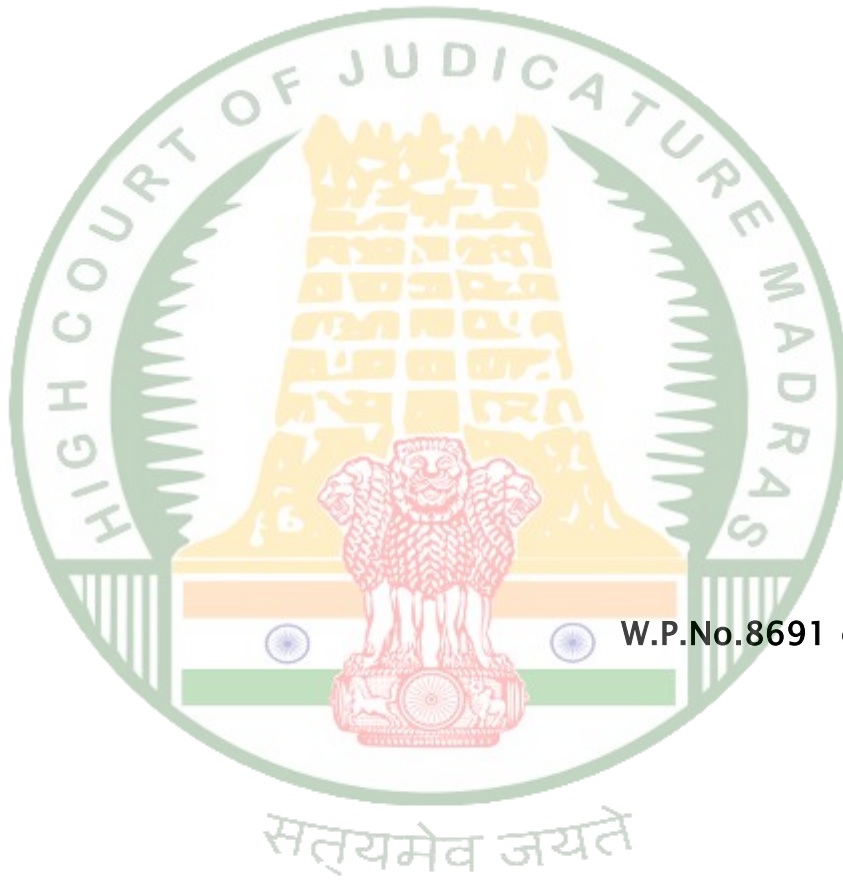
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M. DURAISWAMY,J.

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