

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2018

CORAM : THE HON'BLE Mr.JUSTICE N.SESHASAYEE

W.P.No.3756 of 2017
and W.M.P.No.3808 of 2017

M.Rajkumar

... Petitioner

Vs.

1. The Collector of Cuddalore,
Cuddalore District.
2. The Special Tahsildar,
Land Acquisition No.III, Neyveli-2,
Cuddalore District.
3. The Managing Director,
Neyveli Lignite Corporation,
Neyveli-II, Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to provide Fair Compensation for the lands of the petitioner comprised in extent of Punja lands 0.29.00 comprised in Survey No.59/2A and Punja lands 0.15.50 comprised in Survey No.59/4A1 at 147, U.Athanur, Virudhachalam Taluk, Cuddalore District under the Right to Fair Compensation Act, 2015.

For Petitioner : Mr.R.Karunakaran

For Respondents: Mr.Akhil Akbar Ali
Government Advocate [for R1 &R2]
Mr.N.Nithianandam [for R3]

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O R D E R

When the matter is taken up today, the learned counsel for the petitioner confined his contentions only to the three survey numbers namely S.Nos.59/2A and S.No.59/4A1 at U.Athanur, Virudhachalam Taluk, Cuddalore District.

2. The brief facts that are necessary to dispose of the matter may be stated: The contention of the petitioner is that his properties are acquired by the Land Acquisition Authorities

for the purpose connected with Neyveli Lignite Corporation under the provisions of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997, and that no award has been passed and therefore, seeks a direction from this Court to pass an award as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act, 30 of 2013).

3. Mr.Akhil Akbar Ali, Government Advocate appears for Respondents 1 and 2 and Mr.N.Nithyanandam, appears for the 3rd respondent. Third respondent has also filed its counter.

4. Addressing the grievances of the petitioner, the learned counsel for the 3rd respondent brought to the notice of the Court that the properties of the petitioner is concerned, an award enquiry is under progress.

5. Responding the same, the learned Government Advocate appearing for the respondents 1 and 2 submitted that in terms of Section 105A, of the Central Act, 30 of 2013 cannot be telescoped into the provisions of Special Act in Schedule V of the said Act. However, even as per Section 105A(2) of the said Act, those provisions in Central Act 30/2013 that are beneficial to the landowners of those properties acquired under the State enactments cannot be disregarded, and that payment of compensation cannot be diluted, nor can the offer of rehabilitation or resettlement as may be necessary to be conferred under the Central Act. A fair statement indeed.

6. The statement of the 3rd respondent is recorded. The properties of the petitioner is concerned, the award enquiry proceedings pertaining to petitioner's property is under way, the Land Acquisition Authority is directed to issue notice of enquiry to the petitioner at the address given in this petition and grant him adequate and effective opportunity of participating in the same and pass the award as per law in force and the said exercise shall be concluded within a period of four months from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

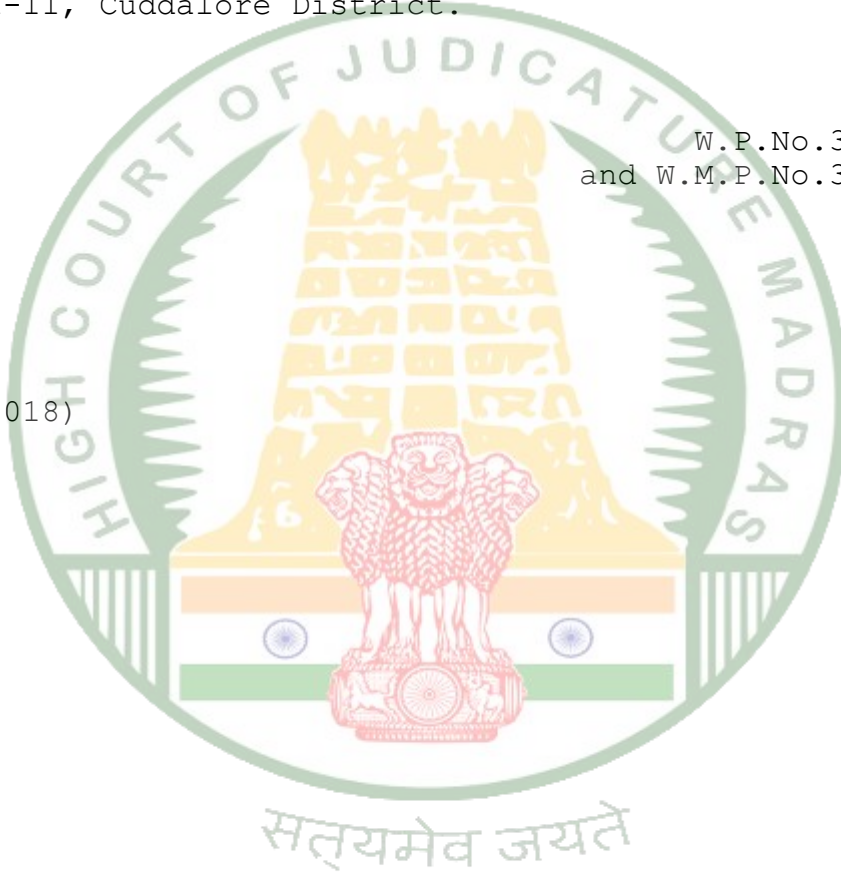
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To:

1. The Collector
Cuddalore District.
2. The Special Tahsildar,
Land Acquisition No.III, Neyveli-2,
Cuddalore District.
3. The Managing Director,
Neyveli Lignite Corporation,
Neyveli-II, Cuddalore District.

W.P.No.3756 of 2017
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SV (CO)
SP (06/04/2018)



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