

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.25788 of 2016
and
W.M.P.No.22098 of 2016

1. Kasinathan
 2. Ganesan
 3. Devarasu
 4. Thirunavukkarasu
 5. Venkatesan
 6. Ravichandran
- ...Petitioners

Versus

1. The District Collector,
District Collectorate Office,
Cuddalore District.
 2. Revenue Divisional Officer,
(Land Acquisition Special Cell),
District Revenue Office,
Opp. Workshop, Thandavankuppam,
Neyveli - 2.
 3. Special Deputy Collector,
(Land Acquisition Special Cell),
Thandavankuppam, Neyveli - 2.
 4. Special Collector,
No.2, Land Acquisition Cell,
Special Taluk Office,
Neyveli - 2.
 5. General Manager,
Land Acquisition Rehabilitation Office,
Neyveli Lignite Corporation, Neyveli - 1.
 6. The Tahsildar,
Officer of the Tahsildar,
Kurinjipadi.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration to the effect that the acquisition proceeding initiated under Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 in respect of which Award No.11/2014 dated 18.12.2014 was passed by the first respondent but compensation not deposited, inter alia, in respect of the petitioner's land comprised in Survey Numbers 8/1, 24/16, 24/8, 29/5, 30/1, 30/2, 30/3, 30/4, 30/6, 30/7,

30/8, 30/9, 30/10, 31/1, 31/2, 31/3, 31/15, 16, 31/20, 32/5A, 32/5C, 32/7A, 32/7C, 32/7, 8, 9, 11, 14 and 32/11, 32/12, 33/6, 33/7, 33/8, 33/14, 31, 40/13, 14, 15, 34/16(24 cents), 36/3B, 37/4, 37/19, 40/2, 4, 5, 6, 40/9, 41/6, 55/1, 2, 3, 57/4, 5 and 57/1, 57/2, 57/6, 61/6, 7, 63/1, 64/1, 2, 3 in Vanathirayapuram village, shall be deemed to have lapsed and consequently direct the respondents to confer the benefit of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which came into effect on 01.01.2014.

For Petitioner : Mr. N. Ramesh
For Respondents - 1 to 4, 6 : Mr. M. Karthikeyan,
Addl. Govt. Pleader
For Respondent 5 : Mr. N. Nithyanadam

ORDER

1.1. The petitioners who have identical cause for their respective action have come forward with separate petitions seeking identical relief.

1.2. But owners of due possessors of the land have approached this Court alleging in their affidavit that their lands were proposed to be acquired for public purposes concerning M/s. Neyveli Lignite Corporation Limited under the provisions of Tamil Nadu Act 10 of 1999 Vide Notification under Section 3(2) was issued dated 28.01.2011, 02.12.2011, 08.12.2011, 02.04.2012, 10.04.2012 and 25.03.2012 respectively.

2. Even as the proceeding is under way to enable the Special Tahsildar to pass necessary award under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) came into force from 01.01.2014 following which only an interim award was passed on 18.12.2014. The grievance of the petitioners is that no compensation has been paid in terms of the interim award and the final award need to be paid and the compensation may be paid in terms of Central Act 30 of 2013.

3. Mr. M. Karthikeyan, the learned Additional Government Pleader appearing for the respondents 1, 2, 3, 4 and 6 and Mr. N. Nithyanandham, the learned counsel appearing for the fifth respondent.

4. The respondents made a statement that the final award proceedings are under way and the final award would be passed only in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013). The learned counsel for the fifth respondent on instruction submitted that the petitioners are reluctant to furnish the details of their Bank accounts to the authorities to enable them to deposit the compensation amount,

and that they are also taking claim with regard to the properties not their own.

5. In view of the statement made by the respondents that final award would be passed only in terms of the Central Act 30/2013, the petitioners are only required to participate in the award enquiry. For this, the Land Acquisition Authority is required to issue separate notices to the petitioners at the address given in each of their respective petitions granting them full and effective opportunity to put forth their case and to pass a final award as per the provisions of the Central Act, 30/2013. Any amount disbursed to the petitioners as interim compensation is liable to be deducted from the compensation payable as per the final award to be passed.

6.1. As to the issues raised by the counsel for the beneficiary, namely the NLC, so far as, the first point is concerned, if the basic norm adopted is that the compensation amounts are transferred to the accounts of the petitioners directly, then it is imperative for them to furnish their bank-account details, and therefore, they are required to furnish such information regarding their Bank account to their authorities.

6.2 So far as the second issue is concerned, in this matter, the authorities themselves are directed to address the issue on petitioner's title to the property during the enquiry.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
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Special Taluk Office,
Neyveli - 2.
 5. The Tahsildar,
Officer of the Tahsildar,
Kurinjpadi.
- + 1 cc to Mr. N. Ramesh, Advocate SR.4539
+ 1 cc to Mr.N. Nithianandam, Advocate Sr.5202

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BR(CO)
EU(03/04/2018)

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