

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No. 26571 of 2016  
and  
W.M.P.No. 22762 of 2016

Mr. V. Lakshmikanthan

...Petitioner

Versus

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.
  4. The Special Tahsildar,  
Land Acquisition No.20, Neyveli - 2,  
Cuddalore District.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to provide Fair Compensation for the lands of the petitioner comprised in extent of Nanja lands 0.16.0 comprised in Survey No.48/2, Nanja lands 0.43.00 comprised in Survey No.3B1, Nanja lands 0.16.00 comprised in Survey No.5B, Nanja lands 0.77.50 comprised in Survey No.5, Nanja lands 0.50.50 comprised in Survey No.5A, Nanja lands 0.43.00 comprised in Survey No.5C2, Nanja lands 0.24.50 comprised in Survey No.8, Nanja lands 0.28.50 comprised in Survey No.1A3, Nanja lands 0.16.00 comprised in Survey No.2, Nanja lands 0.42.50 comprised in Survey No.2B3, Nanja lands 0.4.00 comprised in Survey No.1A, Nanja lands 0.77.50 comprised in Survey No.32/5, Nanja lands 0.11.00 comprised in Survey No.48/11, Nanja lands 0.04.00 comprised in Survey No.48/1A, Punja Lands 0.34.00 comprised in Survey No.1/5 at 147, U.Athanur, Vriddhachalam Taluk, Cuddalore District without due process of law or under the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 under the Right to Fair Compensation Act 2013 as per the petitioner's representation dated 05.03.2016.

For Petitioner : Mr. R. Karunagaran

For Respondents 1, 2 & 4 : Mr. Akhil Akbar Ali,  
Government Advocate

Respondent - 3: Mr. N. Nithyanandan

O R D E R

The present Writ Petition is filed by the petitioner seeking issuance of a Writ of Mandamus to direct the respondent to pass an award in terms of the Right to Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) for a acquisition proceedings initiated under Tamilnadu Acquisition of Lands for Industrial Purposes Act, 1997(Tamilnadu Act 10 of 1999).

2. The petitioner in his affidavit filed in support of the petition would aver that he owns an extent of 04.88.00 lands spread over several Survey Nos.48/2, 3B1, 5B, 5, 5A, 5C2, 8, 1A3, 2, 2B3, 1A, 32/5, 48/11, 48/1A, and 1/5 at 147 in U.Athanur Village, V. Saththapadi Post, Vriddhachalam Taluk, Cuddalore District. The petitioner has possession of the said land and cultivating the same and he has also made some improvement in the property.

3. While so, a notification under Section 3(1) of the Tamilnadu Acquisition of Land for Industrial Purposes Act was issued and enquiry of Section 3(2) was also conducted. However, no award was passed and therefore, the petitioner made a representation dated 27.04.2015 to pass an award in terms of the Right to Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013). Again made another representation dated 16.12.2015 for the said purpose. Based on ordinance 5 of 2015 dated 30.05.2015, that brought any amendment to Central Act 30 of 2013.

4. As there was no response, petitioner preferred W.P.No.4394 of 2016 before this Court and this Court Vide its order dated 05.02.2016 directed the petitioner to give his objection to the Notice issued under Section 7(5) and 7(2) of the Act. The petitioner made a representation pursuant to that on 05.03.2016 and quoted in the offer price for. However, no order was passed thereon. Hence, the petitioner has come forward with the present petition.

5. The authorities in passed an award in terms of the Right to Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) as per the representation of the petitioner dated 05.03.2016.

6. Mr. Akhil Akbar Ali, the learned Government Advocate appears for the respondents 1,2 and 4. Mr. N. Nithyanandan, the learned counsel appears for the third respondent.

7. The representation of the petitioner dated 05.03.2016 indicates that the petitioner was willing to part with his property, if he paid a compensation of Rs.1 Crore per Acre and it is for land acquisition authority to take a call on this. It is suffice to say that if the authority is not inclined to accept this offer price of the petitioner, is duty bound to proceed with an enquiry for passing the award and as per law withstands now. The same has to be done in terms of the Right to Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act.

8. The second and fourth respondents are therefore directed to consider the representation of the petitioner in the course of the enquiry leading to the passing of the award and the petitioner is directed to participate in the enquiry with all necessary material to substantiate his claim and the land acquisition authorities concerned is directed to pass an award justly and fairly in terms of the Right to Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) Act within six months from the date of receipt of a copy of this order. The respondents are further directed to issue Notice to the petitioner at the address given in the Writ Petition. Issue Notice to the petitioner for participate in the enquiry within two weeks from the date of receipt of a copy of this order.

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

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The Collector of Cuddalore,  
Cuddalore District.
2. The Special Tahsildar,  
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3. The Managing Director,  
Neyveli Lignite Corporation,  
Neyveli - II, Cuddalore District.
4. The Special Tahsildar,  
Land Acquisition No.20, Neyveli - 2,  
Cuddalore District.

+1cc to Mr.N.Nithianandam, Advocate, S.R.No.4468

+1cc to Mr.R.Karunagaran, Advocate, S.R.No.4307

W.P.No. 26571 of 2016

RRK(02/03/2018)



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