

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.01.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.6241 of 2009
and M.P.No.1 of 2009

K.Rangasamy

... Petitioner

Vs

- 1.The Government of Tamil Nadu
rep.by its Secretary to Industries Department
Secretariat, Chennai-600 009.
- 2.The District Collector,
Cuddalore District,
Cuddalore.
- 3.The Neyveli Lignite Corporation
rep.by its Chairman, Neyveli.
- 4.The District Revenue Officer,
Land Acquisition Office, Neyveli-2. ...
Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to provide alternative house site and agricultural land and other rehabilitation measures as contemplated under the National Policy on Resettlement and Rehabilitation for projected affected families 2003 & 2007 in respect of petitioner's lands and house sites comprised in S.Nos.160/34 and 160/35 in Uyyakondaravi Village, Virudhachalam Taluk acquired by Notification published in the Tamil Nadu Government Gazette extra ordinary No.291 dated 09.10.2006.

For Petitioner : Mr.K.Sakthivel

For Respondents : Mr.K.Ravikumar, AGP for R1, R2 & R4
Mr.N.A.K.Sarma for R3

ORDER

This writ petition has been filed for a direction to the respondents to provide alternative house site and agricultural land and other rehabilitation measures as

contemplated under the National Policy on Resettlement and Rehabilitation for projected affected families 2003 & 2007, in respect of petitioner's lands and house site comprised in S.Nos.160/34 and 160/35 in Uyyakondaravi Village, Virudhachalam Taluk, acquired by the Government of Tamil Nadu.

2.A counter affidavit has been filed on behalf of the second respondent on 21.12.2018 in which it is stated that the patta for the lands in the survey numbers in question did not stand in the name of the petitioner. The portion of the land in the two survey numbers which belongs to the petitioner's father, was given to the petitioner and his brother in equal shares and nothing is shown as to when the oral partition took place and when it was given effect to. It is stated in the counter that as per the revenue records, the acquired lands, which included a house site, are not in the name of the petitioner and as such it is incorrect and impermissible to treat the petitioner as an awardee. It is further stated that at the request of the petitioner's father, the compensation amount has already been distributed equally to his two sons, viz., Mr.K.Rengasamy (the petitioner herein) and Mr.Rajulu. It is also stated that in respect of the acquired lands, belonging to the petitioner's father, only the petitioner's father and the petitioner's brother were actually living. Furthermore, it is stated that the purpose of the National Rehabilitation and Resettlement Policy, 2007 is to give alternate house site only to the affected family and not to each individual member of the affected family.

3.When the lands in question did not stand in the name of the petitioner and further, compensation has been already granted to the petitioner and his brother, at the request of the petitioner's father, in whose name the property was there, the prayer made by the petitioner to provide alternative site to him and other reliefs, does not deserve any consideration and accordingly the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Secretary to Government,
Industries Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The District Collector,
Cuddalore District,
Cuddalore.

3.The Chairman,
Neyveli Lignite Corporation
Neyveli.

4.The District Revenue Officer,
Land Acquisition Office, Neyveli-2.

+1cc to Mr.N.Nithyanandam,Advocate SR.No. 1709

+1 CC TO GOVERNMENT PLEADER SR.NO. 1400

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A.SK(08/02/2019)