

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26902 of 2011
and M.P.No.1 of 2011

1. M. Subramani
2. A. George
3. R. Sethurayar
4. S. Sundraraman
5. P. Nirmala
6. Santhi
7. Manimekalai
8. J. Devika
9. V. Pushpa
- 10.C. Francis
- 11.P. Dakshnamurthy
- 12.S. Kabilan
- 13.Miss.J. Phelomina
- 14.Nalini
- 15.S. Govindaraj
- 16.Lukas
- 17.Kuzhandai Therasa
- 18.Irudhaya Mary
- 19.Sundara Leela
- 20.M.Selvaraj
- 21.J. Albert Mayan
- 22.Mary Thamilselvi
- 23.Smt.M. Anbarasi

... Petitioners

-vs-

1. The District Collector,
Cuddalore District,
Cuddalore
2. The District Revenue Officer,
Cuddalore District
Cuddalore
3. The Revenue Divisional Officer,
Chidambaram Revenue Division,
Cuddalore District, Cuddalore
4. The Social Tahsildar (Land Acquisition) No.4,
Neyveli - 2

5. The Chairman cum Managing Director,
Neyveli Lignite Corporation,
Neyveli - 1

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondents to provide compensation and rehabilitation measures in respect of land and buildings acquired by way of adverse possession taken on 13.09.2008 from the petitioners in Survey Nos.355/31, 355/13,355/15, 355/56, 355/24, 355/28, 355/52, 355/37, 355/36, 355/29, 355/25, 355/47, 355/41, 355/30, 355/53, 355/18, 355/17, 355/16, 355/35, 355/34, 355/40, 355/26, 355/55 in Subbiah Nagar, Valayamadevi Kilpathy Village, Chidambaram Taluk, Cuddalore District without following the procedures under the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1999.

For Petitioners : Mr.K. Sakthivel

For R.1 to R.4 : Mr.M. Elumalai
Government Advocate

For R.5 : Mr.N. Nithianandam

O R D E R

This Writ Petition is filed by the petitioners jointly seeking for issuance of a Writ of of Mandamus directing the respondents to provide compensation and rehabilitation measures in respect of land and buildings acquired by way of adverse possession taken on 13.09.2008 from the petitioners in Survey Nos.355/31, 355/13,355/15, 355/56, 355/24, 355/28, 355/52, 355/37, 355/36, 355/29, 355/25, 355/47, 355/41, 355/30, 355/53, 355/18, 355/17, 355/16, 355/35, 355/34, 355/40, 355/26, 355/55 in Subbiah Nagar, Valayamadevi Kilpathy Village, Chidambaram Taluk, Cuddalore District without following the procedures under the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1999.

2. The learned counsel for the petitioners is that the lands, belonging to the petitioners, have been taken over by the fourth respondent and handed over to the fifth respondent without following due process of law.

3. The learned Government Advocate appearing for the respondents 1 to 4 stated that it is not in dispute that the lands, in question, were taken over by the fourth respondent and subsequently handed over to the fifth respondent. However, since the lands, in question, have been handed over to fifth

respondent for mining purpose, the fifth respondent is bound to pay double market rate to the Government as compensation.

4. The learned counsel appearing for the fifth respondent fairly submitted that they would pay the double market rate of the lands, in question, to the Government as compensation and it is for the petitioners to work out their remedy for getting compensation.

5. Recording the above submissions and with the consent of the learned counsel for the petitioners, learned Government Advocate for the respondents No.1 to 4 and the learned counsel for the fifth respondent, the Writ Petition is disposed of with the following direction:

(i) Two (2) weeks time is granted to the Land Acquisition Officer to quantify the amount of compensation payable by the fifth respondent.

(ii) Twelve (12) weeks time is granted to the fifth respondent to deposit the entire amount equivalent to double market value of the lands, in question, to the Government;

(iii) After receipt of such payment, the respondents shall make payment of compensation to the petitioners, subject to the extent of the land taken over by them within four weeks thereafter.

6. No costs. Consequently, connected Miscellaneous Petition is closed.
SR.NO.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The District Collector,
Cuddalore District, Cuddalore
2. The District Revenue Officer,
Cuddalore District, Cuddalore
3. The Revenue Divisional Officer,
Chidambaram Revenue Division,
Cuddalore District, Cuddalore

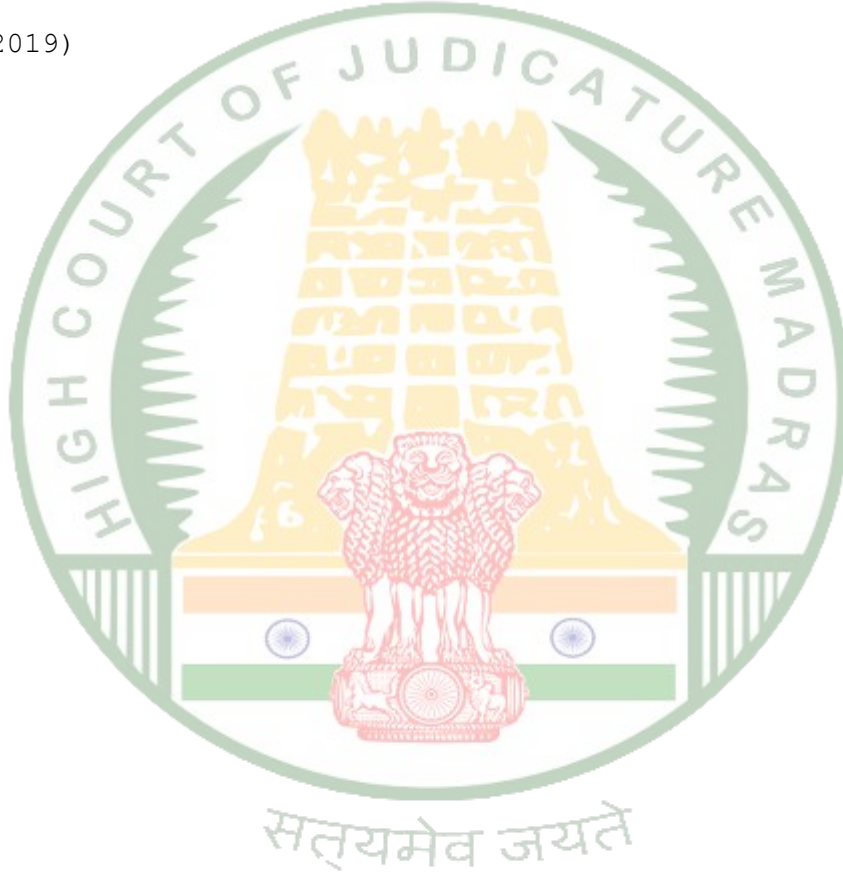
4. The Social Tahsildar (Land Acquisition) No.4,
Neyveli - 2

5. The Chairman cum Managing Director,
Neyveli Lignite Corporation,
Neyveli - 1

+5CCs to Mr.K.Sakthivel, Advocate, SR.No.80135
+1cc to the Govt.Pleader, Vide Sr.No.80695

W.P.No.26902 of 2011

Kak(05/11/2019)



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