

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee

Monday, the 20th day of January, 2020

LOK ADALAT ORDER

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

The Hon'ble Mr.JUSTICE P.THANGAVEL (Retd.)

and

Member

Mrs.G.Maragatham, Advocate

W.P.No.24928 of 2016

Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the first respondent pertaining to the impugned Reference in Ref.A/44/2007 dated 31.07.2007 and quash the same as illegal and contrary to Section 18 of the Act, 1894.

The Secretary
Corporate Office,
Neyveli Lignite Corporation Limited,
Neyveli - 607 801,
Cuddalore District.

... Petitioner

Vs.

1. The Special Tahsildar No.3
Land Acquisition, Neyveli-607 802
Cuddalore District.
2. Mr.Raja (died)
3. Mr.Manikandan, S/o.Raja
(Substituted as per the order
passed by the Lok Adalat-I dated
20.01.2020, on memo filed by the
parties)

... Respondents

On representation of the learned counsel for petitioner and

the owner of the acquired property, this Writ Petition is taken up for settlement before the Lok Adalat today. Mr.N.Nithianandam and Mr.A.Jayaraman, learned counsel for the petitioner, Mr.N.Sankara Narayanan, General Manager (Land Acquisition - Rehabilitation and Resettlement), NLC India Limited, Mrs.Jayanthi, Special Tahsildar No.3, Land Acquisition, Neyveli (first respondent herein) and Mr.Manikandan, owner of the acquired property, are present.

AWARD

The Writ Petition in W.P.No.24928 of 2016 pending on the file of the High Court, Madras against the Reference in Ref.A/44/2007 dated 31.07.2007 made by the first respondent herein, which is pending in LAOP No.67 of 2014 on the file of the Special Sub Court for LAOP Cases, Cuddalore has been referred to Lok Adalat for conciliation today.

2. The Writ Petitioner, who is the second respondent before the Land Acquisition Court, along with their counsel and Mr.Manikandan, S/o.Raja, and Mrs.Jayanthi, Special Tahsildar No.3, Land Acquisition, Neyveli, respondents in this Writ Petition are present before the Lok Adalat today for settlement.

3. The Writ Petitioner, aggrieved by the Reference in Ref.A/44/2007 dated 31.07.2007 made by the first respondent herein, which was registered as LAOP No.67 of 2014 on the file of the Special Sub Court for LAOP Cases, Cuddalore, has come forward with this Writ Petition against one Raja, S/o.Gopal, Periyakurichi Village, Vridhachalam Taluk, Cuddalore District and Special Tahsildar No.3, Land Acquisition, Neyveli. The fact remains that the above said Raja died on 01.01.2008 and the said fact is evidenced by xerox copy of the Heirship Certificate issued by the Tahsildar, Vridhachalam. It is relevant to point out that the above said Manikandan was also shown as son of the above said Raja in the xerox copy of the Heirship Certificate. It is submitted to the Lok Adalat that the property under acquisition was purchased in the name of Manikandan, S/o.Raja, represented by Guardian-Father Raja and the said Manikandan attained majority, since his date of birth is 25.02.1987 as per the xerox copy of the certified copy of his XII Standard Transfer Certificate issued by N.L.C. Higher Secondary School, Mandarakuppam, Neyveli-2. According to him, he filed a petition in I.A.No.226 of 2015 in LAOP No.67 of 2014 on the file of the LAOP Court, Cuddalore, to declare him as major, to delete his father as died and to substitute him as a party/owner and to permit him to prosecute the Land Acquisition Original Petition continuously further and the said petition was allowed on 28.04.2015 by the Land Acquisition Court, Cuddalore. The Certified Xerox Copy of the docket order in the above said I.A.

has also been produced before the Lok Adalat. The order passed by the competent Court already for the relief sought for by Manikandan would lead to conclude that he is the proper person to be substituted as a party in the Writ Petition and to permit him to pursue the Land Acquisition Proceedings as well as the Writ Proceedings.

4. The memo of compromise filed before the Lok Adalat today along with the above said documents is recorded by the Lok Adalat, thereby permitting to show against the name of Raja as died and to substitute the name of Manikandan, S/o.Raja as party/owner.

5. The Writ Petitioner, who admitted the above said facts mentioned in the Memo, and the newly substituted party in the Writ Petition, viz., Manikandan, S/o.Raja along with the Special Tahsildar No.3, Land Acquisition, Neyveli, filed a memo of compromise to dispose of the Writ Petition filed against the Reference in Ref.A/44/2007 dated 31.07.2007 made by the first respondent herein, which was registered as LAOP No.67 of 2014 on the file of the Special Sub Court for LAOP Cases, Cuddalore, in terms of the above said compromise memo, which is recorded after having read over and explained to both parties and admitted by both parties as correct. The memo of compromise is recorded.

6. As per the memo of compromise, the land owner Mr.Manikandan, S/o.Raja has agreed to receive a sum of Rs.55,805/- (Rupees Fifty Five Thousand Eight Hundred and Five only) towards full and final settlement of his claim for enhancement of compensation for the acquisition of his land, which is a subject matter in the Land Acquisition Proceedings. It is also admitted that he will not make any further claim in this regard herein after. The Writ Petitioner has also handed over a cheque dated 20.01.2020 for a sum of Rs.55,805/- in the name of Mr.Manikandan, S/o.Raja, drawn on Indian Bank, Neyveli Main Branch to the Lok Adalat. It is a crossed cheque bearing No.401044. The original cheque has been handed over to the owner of the acquired property Mr.Manikandan by Lok Adalat today and the said Mr.Manikandan received the above said cheque towards full and final settlement of his claim towards enhanced compensation. It is also recorded by Lok Adalat.

7. In view of the compromise memo recorded and in view of the payment of the settled amount by means of crossed cheque as mentioned above, the memo of compromise is recorded by Lok Adalat today and the award is passed in W.P.No.24928 of 2016 accordingly. The memo of compromise filed by both parties will form part of the award. No order as to costs. The Land Acquisition Proceedings pending on the file of the Land

Acquisition Court, Cuddalore in LAOP No.67 of 2014 stands disposed of in view of the award passed in this W.P.No.24928 of 2016. The award is passed accordingly. Consequently, connected miscellaneous petitions are closed, if any.

Sd/-

The Secretary, Corporate Office,
Neyveli Lignite Corporation Limited,
Neyveli - 607 801, Cuddalore District.

Sd/-

Counsel for the petitioner

Sd/-

1. The Special Tahsildar No.3
Land Acquisition, Neyveli-607 802
Cuddalore District.

Sd/-

2. Mr.Manikandan (owner of the acquired property)

The full Court fee paid shall be refunded to the petitioners in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.

Sd/-

JUDGE

Sd/-

MEMBER

Sd/-

Assistant Registrar(LOK ADALAT)

//True Copy//

Sub Assistant Registrar

Xerox Copy of Compromise.

Xerox Copy of Satisfaction Memo.

To:

The parties/Advocate concerned

Copy to:

1. The Special Tahsildar No.3,
Land Acquisition,
Neyveli - 607 802,
Cuddalore District.
2. The Secretary,
High Court Legal Services Committee,
Chennai.
3. The Section Officer,
V.R.Section, High Court,
Madras.
4. The Section Officer,
Lok Adalat Section,
High Court, Madras. (2)

W.P.No.24928 of 2016

AK-II(CO)
CSR 19.04.2021