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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.23193 OF 2021

K.Vasantha

... Petitioner

Vs.

1. The State of Tamilnadu
rep. By its Secretary,
Industries Department,
Fort. St. George, Chennai
2. The District Collector,
Cuddalore District
3. The Special Tahsildar No.3,
Land Acquisition office,
Neyveli - 2
4. The Special Deputy Collector,
NLC India Limited
Neyveli - 2 Tamilnadu
5. NLC India Limited
rep. By the Chairman,
Office of the General Manager,
Land Acquisition and R& R department,
Neyveli - 607 807

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 5 to consider the petitioner's representation dated 17.03.2021 by considering the 3rd respondent's letter in Na.Ka.A.1414/2018 dated 05.09.2019 to the 4th respondent to pay



compensation for the schedule mentioned property having S.Nos.57/1, 57/2, 57/3 comprising of 2 acres, 86 cents length within a reasonable time fixed by this Court.

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For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.V.Veluchamy for R1 to R4
Government Advocate

Mr.Nithianandam for R5
Standing Counsel

O R D E R

With consent on either side, the main Writ Petition itself is taken up for final disposal at the admission stage.

2. The present Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 5 to consider the petitioner's representation dated 17.03.2021 by considering the 3rd respondent's letter in Na.Ka.A.14/2018 dated 05.09.2019 to the 4th respondent to pay compensation for the schedule mentioned property having S.No.57/1,57/2, 57/3 comprising of 2 acres length within a reasonable time.

3. The case of the petitioner is that the petitioner's husband was an ex-serviceman. In the year 1971, during the war, he was injured and became medically unfit to continue as army personnel. As there was no source of income, the 1st respondent had assigned land of 2 acres and 86 cents at Aziz Nagar, Virudhachalam Taluk, Cuddalore district to the petitioner's husband. The 5th respondent acquired the said property for its development and the petitioner's husband preferred a writ for compensation in W.P.No.1677 of 1992, wherein this Court in its order dated 14.10.1996, had passed an order directing the respondents to pay a sum of Rs.2,00,000/- per acre, however, the 5th respondent refused to pay the compensation, instead they sent a letter stating that they would offer job to the petitioner's son. Hence the petitioner has preferred another W.P.No.29906 of 2002 and this Court by order dated 13.12.2006 directed the petitioner's husband to make a representation before the 3rd respondent within a period of two weeks, accordingly, the



petitioner's husband submitted a representation to all the respondents and the 3rd respondent passed an award on 17.12.2007, wherein the 4th respondent had sought for two clarifications, viz., (i) whether the schedule mentioned property was allotted to the said Kullamal and Chellan? (ii) when the compensation has already been give to the said Kullamal and Chellan, would it be proper to grant compensation again to the petitioner's husband?, thereafter, the 3rd respondent had issued a certificate that the schedule mentioned property is in possession of petitioner's family, which would clearly state that the said Kullamal and Chellan has nothing to do with the schedule mentioned property. Aggrieved by the non action of the respondents, the petitioner's husband sent a legal notice to the respondents and the 1st respondent had directed the District Collector, Cuddalore district to file a report after conducting detailed enquiry. In the meantime, the petitioner's husband was hospitalised at regular intervals and had died on 12.06.2014 and one of the petitioner's son was hospitalised and he passed away in the year 2017 and the petitioner's legal heirs gave a representation to the respondents on 30.10.2018. The petitioner submitted a representation on 21.08.2019 and the 5th respondent failed to act upon the advice of the 3rd respondent vide Letter No.Na.Ka.A/14/2018 dated 05.09.2019, and hence the petitioner has come up with the present petition.

4. The learned counsel for the petitioner submits that the 3rd respondent had submitted a letter dated 05.09.2019 in Na.Ka.No.14/2018 to the 4th respondent clearly stating that the subject property belongs to the petitioner's husband, however, the 5th respondent has stated contra to the same in its letter dated 21.08.2019, which is an error apparent on the part of the 5th respondent and the same is vitiated by the non-application of mind, arbitrary, besides being malafide and vindicate. The failure on the part of the 5th respondent in not granting the compensation for the acquired land had caused great prejudice to the legal rights of the petitioner in the above mentioned property.

5. The learned counsel for the petitioner further submitted that the petitioner will be satisfied if a direction is issued to the 1st and 5th respondents to consider the petitioner's representation dated 17.03.2021 and dispose of the same within a stipulated time that may be framed by this Court.



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6. Mr.V.Veluchamy, learned Government Advocate appearing for the respondents 1 to 4 as well as Mr.Nithanandam, learned standing counsel appearing for the 5th respondent, on instructions from the officer of the respondents/Departments submitted that a direction may be issued to the 1st respondent to consider the prayer of the petitioner and twelve weeks time may also be granted to the respondents to consider the same.

7. Having regard to the limited scope of the prayer that is now sought for in this Writ Petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents 1 and 5 to consider the petitioner's representation dated 17.03.2021 based on the letter of the 3rd respondent in Na/Ka/A/14/2018 dated 05.09.2019 to the 4th respondent and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

ssd

To

1. The State of Tamilnadu
rep. By its Secretary,
Industries Department,
Fort. St. George, Chennai
2. The District Collector,
Cuddalore District
3. The Special Tahsildar No.3,
Land Acquisition office,
Neyveli - 2



4. The Special Deputy Collector,
NLC India Limited
Neyveli - 2 Tamilnadu

5. NLC India Limited
rep. By the Chairman,
Office of the General Manager,
Land Acquisition and R& R department,
Neyveli - 607 807.

+1cc to M/s.M.Velmurugan, Advocate, S.R.No.55965

+1cc to M/s.N.Nithianandam, Advocate, S.R.No.56551

+1cc to the Government Pleader, S.R.No.56674

W.P.No.23193 of 2021

KSM(CO)
RLP(23/11/2021)