



W.P.No.7859 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.02.2022

**CORAM:
THE HON'BLE MR.JUSTICE M.DHANDAPANI**

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and

M.P.No.2 of 2011

1. Jayalakshmi
2. M.Palanivel
3. S.A.Ramar
4. G.Mythili
5. Manoharan
6. Jayaraman
7. Vairajothi
8. K.Saroja

... Petitioners

vs.

1. Government of Tamil Nadu,
Represented by its Secretary,
To Industries Department,
Secretariat, Chennai – 600 009.
2. The District Collector,
Cuddalore District, Cuddalore.
3. The Neyveli Lignite Corporation,
Represented by Chairman, Neyveli.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 2nd respondent proceedings No.L9/509/2008 dated 13/6/2008 and quash



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the same and consequently forbearing the respondents from evicting the petitioners from the lands comprised in Survey No.350, Kammapuram Village, Virudhachalam Taluk, Cuddalore without due process of law.

For Petitioners : Mr.K.Sakthivel
For Respondents : Mr.G.Nanmaran
Special Government Pleader for R1, R2
Mr.N.Nithianandan for R3

ORDER

This Writ Petition has been filed seeking for a writ of certiorarified mandamus to call for records relating to the 2nd respondent proceedings No.L9/509/2008 dated 13/6/2008 and quash the same and consequently forbearing the respondents from evicting the petitioners from the lands comprised in Survey No.350, Kammapuram Village, Virudhachalam Taluk, Cuddalore

2. The case of the petitioners is that, the petitioners are in possession and enjoyment of the Agricultural Lands comprised in Survey No.350 in Kammapuram Village, Virudhachalam Taluk, Cuddalore District for more than 50 years. The above said lands were classified as Government Poramboke Lands. Initially, the petitioners were issued with “B” Memo under the Tamil Nadu Land Encroachment Act and were provided with “2C



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Patta” for the above said lands by the Government of Tamil Nadu. Later on, the Government of Tamil Nadu issued G.O.Ms.No.66 Industries (MIA 1) department, dated 17.05.2005 and thereafter, the Government accorded administrative sanction for acquiring lands under the provisions of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as 'the Act') for acquiring the lands measuring an extent of 1929.29.85 Hectares in favour of Neyveli Lignite Corporation Limited for expansion of mines. Thereafter, the 1st and 2nd respondents have neither acquired their lands as per the above said Act, nor issued any notice of handing over possession of the said lands to the 3rd respondent. When the petitioners came to know that the respondents 1 and 2 have handed over symbolic possession of the lands to the 3rd respondent, they made a representation to the 2nd respondent dated 12.05.2008 seeking compensation for vesting their lands with the 3rd respondent. On receipt of the same, the Special Tahsildar (Land Acquisition), Neyveli sent a reply dated 19.05.2008 stating that there was no provision for payment of compensation in respect of encroached lands as per the Land Acquisition Act. Aggrieved by the same, the petitioners have sent a rejoinder dated 30.06.2008 to the 2nd



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respondent and a reply to that effect, dated 22.07.2008 was issued stating that there was no provision to pay compensation for the encroached lands as per the Land Acquisition Act. Thereafter, the petitioners preferred a Writ petition before this Court in W.P.No.30199 of 2009, dated 26.08.2008 to direct the respondents to pay compensation as contemplated under the provisions of the Act and the respondents, in turn, filed a counter stating that the lands comprised in S.No.350 were transferred by way of proceedings of the collector, Cuddalore District in L9/509/2008 dated 13.06.2008 to the Neyveli Lignite Corporation Ltd and the said Writ Petition was dismissed by this Court on 26.08.2009. Aggrieved over the said proceedings dated 13.06.2008, the petitioners have filed this Writ Petition.

3. The learned counsel for the petitioners submitted that though the petitioners have filed a Writ petition challenging the enter upon permission granted by the District Collector to Neyveli Lignite Corporation, the said order is not passed against the petitioners. In view of the above, this Court may permit the petitioners to file appropriate application before the land



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Acquisition Officer by enclosing the title documents and other documents, within a period of 2 weeks and upon perusal of the representation along with the documents, the Land Acquisition Officer may consider and pass orders within a reasonable time to be fixed by this Court.

4.The learned Special Government Pleader for respondents has no grievance for approaching the Land Acquisition Officer.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the limited relief sought for, this Court grants permission to the petitioners to file appropriate application before the Land Acquisition Officer in respect of the land acquired, in the manner known to law within a period of 4 weeks from the date of receipt of a copy of this order. If such application is filed along with the title documents, to the Land Acquisition Officer, the Land Acquisition Officer is directed to pass appropriate order on merits and in accordance with law within a period of 8



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weeks thereafter.

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7. With the above permission, this Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order : Yes/No
rap /skt

To:

1. The Secretary to Industries Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.
2. The District Collector,
Cuddalore District, Cuddalore.
3. The Chairman
The Neyveli Lignite Corporation,
Neyveli.



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M.DHANDAPANI, J.

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