



WEB COPY



W.P.No.34546 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.34546 of 2015

and

M.P.Nos.1 & 2 of 2015

Jayaraman

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by Secretary,
Industries Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The District Collector,
Cuddalore District,
Cuddalore.

3.The Special Tahsildar – LA No.15,
Neyveli – 2,
Chidambaram Taluk,
Cuddalore District.

4. NLC India Ltd.,
(Formerly M/s Neyveli Lignite Corporation Limited)
Rep. by its Chairman and Managing Director,
Neyveli-1,
Cuddalore District.

... Respondents

(R4 impleaded vide order dated 11.10.2022 made in
W.M.P.No.39472 of 2018 in W.P.No.34546 of 2015)

Prayer : Writ Petition filed under Article 226 of the Constitution of India for



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issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in Na.Ka.No.L2/1622/2010 dated 15.07.2015 and quash the same and consequently, direct the respondents to determine the compensation payable to the petitioner in respect of his lands situated at Kattazhai Village, Chidambaram Taluk, Cuddalore District lands comprised in S.No.37/13 = 0.19.50 extent, Patta No.148, S.No.37/15A = 0.04.50 extent, Patta No.148, S.No.37/15B = 0.04.50 extent, Patta No.148, S.No.37/14B = 0.09.00 extent, Patta No.402 and S.No.37/15C = 0.09.00 extent, Patta No.343, under the Central Act No.30 of 2013.

For Petitioner	:	M/S.Narmadha Sampath
For R1 to R3	:	Mr.B.Vijay, Additional Government Pleader
For R4	:	Mr.N.Nithianandam

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in Na.Ka.No.L2/1622/2010 dated 15.07.2015 and quash the same and consequently, direct the respondents to determine the compensation payable to the petitioner in respect of his lands situated at Kattazhai Village, Chidambaram Taluk, Cuddalore District lands comprised in S.No.37/13 = 0.19.50 extent, Patta No.148, S.No.37/15A = 0.04.50 extent, Patta No.148, S.No.37/15B = 0.04.50 extent, Patta No.148, S.No.37/14B = 0.09.00 extent, Patta No.402 and S.No.37/15C = 0.09.00 extent, Patta No.343, under the Central Act No.30 of 2013.

2. The learned Additional Government Pleader takes notice for the



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official respondents. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner's land was acquired for the purpose of Neyveli Lignite Corporation under the Industrial Purposes Act, 1997. However, till date no orders have been passed for the payment of compensation in terms of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred as "the Act"). However, notice dated 15.07.2015 was passed by the 3rd respondent with regard to payment of compensation under the said Act. Aggrieved by the same, the said notice was challenged before this Court.

4. The learned counsel for the petitioner submits that though enquiry notice was issued for determination of compensation on 15.07.2015 in the impugned order. However, till date no award was passed.

5. The facts in the present case are not in dispute. Admittedly, the petitioner's land was acquired under the Industrial Purposes Act, 1997 by issuance of 3(1) Notification and it appears that in the present writ petition,



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the enquiry notice passed by the 3rd respondent is under challenge before this Court. However, the grievance of the petitioner is that the respondents have not passed award in terms of above said Act. Considering the limited prayer sought for in the present writ petition, even the subsequent amendment G.O.No.38 makes it clear that any land acquired under the Industrial Purposes Act,1997, the award will be passed under the above said Act. In view of the above said Government Order, the petitioner is entitled to receive compensation under the said Act. Hence, this Court is inclined to direct the respondents to pass appropriate orders on the impugned order dated 15.07.2015, after conducting enquiry in between the petitioner and fix the compensation in terms of above said Act. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order, without interfering the order impugned.

6. This writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petitions are closed.

11.10.2022

Index : Yes / No
Speaking order: Yes/ No

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M.DHANDAPANI, J.

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