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W.P.Nos.3563 to 3565 of 20..

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.Nos.3563 to 3565 of 2015
and M.P.No.1 of 2015 in W.P.Nos.3563 to 3565 of 2015**

Sadagopal

...Petitioner in W.P.No.3563 of 2015

Chandra

...Petitioner in W.P.No.3564 of 2015

Ramakrishnan

...Petitioner in W.P.No.3565 of 2015

Versus

1.State of Tamil Nadu

Rep. by its Secretary to Govt.,
Industries (M.I.A.1) Department,
Secretariat, Chennai – 600 009.

2.The District Collector,
Cuddalore District,
Cuddalore.

3.The Special Tahsildar (L.A) No.VII,
Neyveli – 607 802.

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

(R4 is impleaded as fourth respondent vide order dated 17.10.2022 made in
W.M.P.Nos.39752, 39756 & 39757 of 2018)

...Respondents in all W.Ps

**Prayer in W.P.No.3563 of 2015:**

WEB COPY Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the notices in Na.Ka.No.L6/245/2010, dated 17.02.2010 on the file of third respondent issued to the petitioners under Section 3(2) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 and notice in Ref.L6.245/2010, dated 14.06.2013 issued by third respondent under Section 7(5) and 7(2) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 issued to the petitioner and consequent G.O.Ms.No.80, Industries (NLC), 15th April 2013, No.II(2)/IND/308(a-3)/2013 published under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 effecting amendment in issued to the Industries Department No.II, (2)/Industries/309(d-2)/2011 at pages 3-6 of the Tamil Nadu Government Gazettee No.211, Part – II, Section, dated 8-7-2011, substituting the existing schedule under the heading Cuddalore District, Chidambaram Taluk, 2, Velayamadevi Melpatty Village, Block No.46 as Cuddalore District, Chidambaram Taluk, No.2, Valayamadevi Melpatty Village, Block 45, R.S.No.19 and 20 in respect to the petitioner land in

<i>Sl. No.</i>	<i>R.S.No.</i>	<i>Classification</i>	<i>Extent required /acquired in Hec.</i>	<i>Patta No.</i>	<i>Name of Land owner/person interested</i>
(1)	(2)	(3)	(4)	(5)	(6)
7.	19/4	R.Dry	0.35.0	336	1.Sadagopal S/o. Rathinapadayatchi 2.Chandra W/o. Sadagopal
20.	20/2	R.Dry	0.11.5	148	Sadagopal S/o.



<i>Sl. No.</i>	<i>R.S.No.</i>	<i>Classification</i>	<i>Extent required /acquired in Hec.</i>	<i>Patta No.</i>	<i>Name of Land owner/person interested</i>
					Rathinapadayatchi
21.	20/3A	R.Dry	0.08.5	148	Sadagopal S/o. Rathinapadayatchi
22.	20/3B	R.Dry	0.08.5	16	Sadagopal S/o. Rathinapadayatchi
28.	20/7A	R.Dry	0.09.0	148	Sadagopal S/o. Rathinapadayatchi
31.	20/7D	R.Dry	0.12.0	148	Sadagopal S/o. Rathinapadayatchi
38.	20/10A1	R.Dry	0.33.0	591	1.Senthamilselvi W/o. Velu 2.Sadagopal S/o. Rathinapadayatchi

published in Tamil Nadu Government Gazette, No.93, dated 15.04.2013 and consequent impugned Award No.20 of 2013 dated 27.12.2013 on the file of the second respondent and further proceedings initiated under the impugned Award and to quash the same and to direct the respondents to apply the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 if it is chosen and forbear the respondents from taking possession of the above lands in the subject matter of the above notices.

Prayer in W.P.No.3564 of 2015:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the notices in Ref.L6.245/2010, dated 14.06.2013 issued by third respondent under Section 7(5) and 7(2) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 issued to the petitioner and



consequent G.O.Ms.No.80, Industries (NLC), 15th April 2013, No.II(2)/IND/308(a-3)/2013 published under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 effecting amendment in issued to the Industries Department No.II, (2)/Industries/309(d-2)/2011 at pages 3-6 of the Tamil Nadu Government Gazette No.211, Part – II, Section, dated 8-7-2011, substituting the existing schedule under the heading Cuddalore District, Chidambaram Taluk, 2, Velayamadevi Melpatty Village, Block No.46 as Cuddalore District, Chidambaram Taluk, No.2, Valayamadevi Melpatty Village, Block 45, R.S.No.19 and 20 in respect to the petitioner land in

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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the notices in Na.Ka.No.L6/245/2010, dated 17.02.2010 on the file of third respondent issued to the petitioners under Section 3(2) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 and notice in Ref.L6.245/2010, dated 14.06.2013 issued by third respondent under Section 7(5) and 7(2) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 issued to the petitioner and consequent G.O.Ms.No.80, Industries (NLC), 15th April 2013, No.II(2)/IND/308(a-3)/2013 published under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 effecting amendment in issued to the Industries Department No.II, (2)/Industries/309(d-2)/2011 at pages 3-6 of the Tamil Nadu Government Gazetee No.211, Part – II, Section, dated 8-7-2011, substituting the existing schedule under the heading Cuddalore District, Chidambaram Taluk, 2, Velayamadevi Melpatty Village, Block No.46 as Cuddalore District, Chidambaram Taluk, No.2, Valayamadevi Melpatty Village, Block 45, R.S.No.19 and 20 in respect to the petitioner land in

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(1)	(2)	(3)	(4)	(5)	(6)
3.	19/1C	R.Dry	0.18.5	485	Sekar S/o.Venkatachalam
4.	19/1D	R.Dry	0.08.0	148	Ramakrishnan S/o. Sadagopal
6.	19/3	R.Dry	0.18.0	148	Ramakrishnan S/o. Sadagopal

published in Tamil Nadu Government Gazette, No.93, dated 15.04.2013



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For Petitioner in all W.Ps	:	Mr.J.R.K.Bhavanantham
For Respondents – 1 to 3 in all W.Ps	:	Mr.B.Vijay, Additional Govt. Pleader
For Respondent – 4 in all W.Ps	:	Mr.N.Nithianandam

COMMON ORDER

The relief sought in W.P.No.3563 of 2015 is to call for the records relating to the notices issued by the third respondent in Na.Ka.No.L6/245/2010, dated 17.02.2010 under Section 3(2) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 and in Ref.L6.245/2010, dated 14.06.2013 under Section 7(5) and 7(2) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 to the petitioner and consequent G.O.Ms.No.80, Industries (NLC), 15.04.2013, No.II(2)/IND/308(a-3)/2013 published under Section 3(1) of Tamil Nadu



Acquisition of Land for Industrial Purposes Act 1997 effecting amendment in issued to the Industries Department No.II, (2)/Industries/309(d-2)/2011 at pages 3-6 of the Tamil Nadu Government Gazette No.211, Part – II, Section, dated 8-7-2011, substituting the existing schedule under the heading Cuddalore District, Chidambaram Taluk, 2, Velayamadevi Melpatty Village, Block No.46 as Cuddalore District, Chidambaram Taluk, No.2, Valayamadevi Melpatty Village, Block 45, R.S.No.19 and 20 in respect to the petitioner's lands in

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28.	20/7A	R.Dry	0.09.0	148	Sadagopal S/o. Rathinapadayatchi
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file of the second respondent and further proceedings, initiated under the impugned Award and to quash the same and to direct the respondents to apply the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 if it is chosen and forbear the respondents from taking possession of the above lands in the subject matter of the above notices.

The relief sought in W.P.No.3564 of 2015 is to call for the records relating to the notices in Ref.L6.245/2010, dated 14.06.2013 issued by third respondent under Section 7(5) and 7(2) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 issued to the petitioner and consequent G.O.Ms.No.80, Industries (NLC), 15th April 2013, No.II(2)/IND/308(a-3)/2013 published under Section 3(1) of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 effecting amendment in issued to the Industries Department No.II, (2)/Industries/309(d-2)/2011 at pages 3-6 of the Tamil Nadu Government Gazettee No.211, Part – II, Section, dated 8-7-2011, substituting the existing schedule under the heading Cuddalore District, Chidambaram Taluk, 2, Velayamadevi Melpatty Village, Block No.46 as Cuddalore District, Chidambaram Taluk, No.2, Valayamadevi



Melpatty Village, Block 45, R.S.No.19 and 20 in respect to the petitioner
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apply the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 if it is chosen and forbear the respondents from taking possession of the above lands in the subject matter of the above notices.

2. The case of the petitioners is that Mr.Sadagopal (petitioner in W.P.No.3563 of 2015) is the owner of Ryothwari Punjai lands comprised in No.2, Block No.45 Valayamadevi Melpaathi Village & Post, Chidambaram Taluk, Cuddalore District as mentioned below:

<i>Sl. No.</i>	<i>Survey No.</i>	<i>Extent in Hec.</i>	<i>Extent in Cent</i>	<i>Doc/Patta No.</i>
1.	20/2	0.11.50	28	Doc.No.1137/70
2.	20/3A	0.08.50	21	Doc.No.1260/73
3.	20/3B	0.08.50	21	Doc.No.1260/73
4.	20/7A	0.09.00	22	Doc.No.833/78
5.	20/7D	0.12.00	30	Ancestral
6.	20/10A1	0.19.00 out of 0.33.00	48 out of 83	Doc.No.204/2006

2.1. The said Sadagoapal's son Kumanan who died on 06.02.2005 was the owner of Ryothwari Punjai lands in No.2, Block No.45, Valayamadevi Melpaathi Village & Post, Chidambaram Taluk, Cuddalore District as mentioned below:

<i>Sl. No.</i>	<i>Survey No.</i>	<i>Extent in Hec.</i>	<i>Extent in Cent</i>	<i>Doc/Patta No.</i>
1.	19/4	0.35.00	86	Doc.No.432/99



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2.2. The said Kumanan died as a bachelor leaving behind his father (petitioner in W.P.No.3563 of 2015) and mother (petitioner in W.P.No.3564 of 2015) as his legal heirs. The said Sadagopl's another son Ramakrishnan (petitioner in W.P.No.3565 of 2015) is the owner of the Ryothwari Punjai lands in No.2, Block No.45, Valayamadevi Melpaathi Village & Post, Chidambaram Taluk, Cuddalore District as mentioned below:

<i>Sl. No.</i>	<i>Survey No.</i>	<i>Extent in Hec.</i>	<i>Extent in Cent</i>	<i>Doc/Patta No.</i>
1.	19/1C	0.08.0 out of 0.18.0	22	---
2.	19/1D	0.08.0	20	Patta No.148
3.	19/3	0.18.0	44	Doc.No.1214/80

2.3. While so, petitioners came to know about the proposal for acquisition of their aforesaid lands for the public purpose i.e., Second Expansion of Neyveli Lignite Mining (Industrial Purpose) on receipt of notice in Na.Ka.No.L6/245/2010 dated 17.02.2010 under Section 3(2) of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) (hereinafter referred to as 'Act 1997') informing the date of enquiry on 03.05.2010 at 11.00 a.m in the office of the third respondent to show cause as to why their aforesaid lands should not be



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acquired for the said purpose, within 30 days in writing. Since the said Kumanan had died, notice under Section 3(2) of the Act 1997 was not served to his father Sadagopal (petitioner in W.P.No.3563 of 2015) for the land in S.No.19/4. Pursuant to the said show cause notice, petitioners had appeared in person before the office of the third respondent and raised their objections for acquisition of their lands for expansion of Neyveli Lignite Mining (Industrial Purpose) and also, expressed their difficulties.

2.4. Subsequently, the third respondent issued a Notice in Ref.L6.245/2010 dated 14.06.2013 under Section 7(5) and 7(2) of the Act 1997 to the petitioners, calling upon them to appear for enquiry on 22.07.2013 at 11.00 a.m in the office of third respondent for the purpose of producing the title deeds and determining the amount of compensation. The petitioners had also appeared for enquiry on the said date. The original documents regarding the petitioners' aforesaid lands were taken by the third respondent. Thereafter, the respondents had not sent any notice or proceeding to the petitioners. While so, petitioners had made a representation dated 05.03.2014 individually to the respondents 2 & 3 objecting the acquisition of their lands under the Act 1997.



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2.5. Subsequently, the third respondent had issued a Notice in Na.Ka.A/21/2009 dated 13.03.2014 to the petitioners, informing about the publication of Section 3(2) Notice in Tamil Daily on 03.04.2010 and proclamation by V.A.O on 05.03.2010. Further, the third respondent informed the petitioners that

(i) The award was passed under Section 7(2) and 7(5) of the Act 1997 as if they admitted the claim of compensation and its quantum on 25.07.2013.

(ii) Their individual representation dated 05.03.2014 was rejected as time barred.

(iii) The second respondent had passed the award on 27.12.2013 in Award No.20 of 2013 and therefore, they are called upon to receive the compensation amount, within 7 days from the date of receipt of this notice, failing which, the same would be deposited into the Court as the claimants are not interested in receiving the compensation amount.

Along with the said notice, Section 12(2) Notice quantifying the amount of compensation individually determined in Award No.20 of 2013 dated 27.12.2013 and Form-E dated 13.01.2014 directing the petitioners to



deliver possession of their lands to the second respondent, within 30 days from the service of the said notice, were also enclosed and sent to the petitioners.

2.6. Since the petitioners were not aware of the award proceedings and no award copy was served to them by the respondents, they made an application dated 03.04.2014 individually under Right to Information (RTI) Act to the respondents 2 & 3, asking to furnish a copy of Paper Publication, records maintained by V.A.O, Award and the G.O. publishing the notification under Section 3(1) of the Act 1997. Pursuant to their application, the Public Information Officer (cum) Special Tahsildar (L.A) No.VII, Neyveli sent a letter with reference to Na.Ka.A/21/2009 dated 06.05.2014 furnished information containing 30 pages under RTI Act only with respect to Award proceedings relating to petitioners' land of Land Acquisition Officer (cum) District Collector, Cuddalore in Na.Ka.L6/245/2010 dated 27.12.2013, Award No.20 of 2013 annexed with the list of compensation awarded and also, a Xerox copy part of the Tamil Nadu Government Gazettee No.93, dated 15.04.2013.



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2.7. The third respondent referred the matter to Civil Court and numbered as L.A.O.P.No.520 to 522 of 2014 (Compensation case) on the file of Special Subordinate Court for LAOP cases, Cuddalore, for payment claiming the amount from the Court as per the notice issued to the petitioners and the same are pending. The compensation amount was deposited into the Special Subordinate Court for LAOP cases, Cuddalore. However, till date, petitioners have neither received the compensation from the respondents nor surrendered the possession of their lands to the respondents. Hence, left with no other alternative, petitioners have filed the present writ petitions before this Court for the reliefs stated *supra*.

3. The learned counsel for the petitioners submitted that actually the Neyveli Lignite Corporation (NLC) mining activities do not attract the definition of industrial purpose, industrial estate and industrial area under the Act 1997, whereas, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) (hereinafter referred to as 'Act 2013') is applicable to the land acquisition for mining. He further submitted that the Government extended the benefit of Act 2013 in respect of the lands which were acquired under



the Tamil Nadu Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019 (Act No.38 of 2019). Therefore, the learned counsel prayed this Court to quash the award passed by the second respondent and allow these writ petitions.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent submitted in unison that Act 30 of 2013 came into force on 01.01.2014, but, the award was passed on 27.12.2013 i.e., prior to the enforcement of Act 2013. Hence, the benefit of Act 2013 cannot be extended to the petitioners since their lands were acquired even before the enforcement of Act 2013.

5. Heard the learned counsel on both sides and perused the materials placed before this Court.

6. So far as this case is concerned, petitioners' lands were acquired under the Act 1997, for expansion of Neyveli Lignite Mining (Industrial



Purpose). After the issuance of Section 7(2) & 7(5) Notices by the third respondent, award was passed by the second respondent on 27.12.2013 in Award No.20 of 2013. Since the petitioners are not willing to come forward and receive the compensation amount, the same was deposited into the Special Subordinate Court for LAOP cases, Cuddalore.

7. According to the petitioners, their lands were acquired under the Act 1997, but, the provision of said Act would not stand attract and the benefits of the provisions of Act 2013 would be applicable. Therefore, they pray to extend the benefit of Act 2013 to them, in respect of their acquired lands.

8. At this juncture, it is pertinent to note that Act No.38 of 2019 came into force on 26.09.2013 and the same was published in the Tamil Nadu Government Gazette only on 05.12.2019.

9. Considering the above facts and circumstances of the case and also, having regard to the submissions made by the learned counsel on either



side and also, taking note of the contention relating to the applicability of

Act 2013 in respect of the lands of petitioners, this Court issues the following directions:

(i) The petitioners are permitted to agitate all the points in respect of applicability of Act 30 of 2013, for enhancement of compensation to their lands which were acquired by the respondents under Act 1997, before the competent Civil Court.

(ii) On such plea being raised, the competent Civil Court shall consider the same and pass appropriate orders on merits and in accordance with law.

(iii) Liberty is granted to the petitioners to file necessary application before the respondents, for withdrawing the compensation amount in deposit. On receipt of such application, the compensation amount shall be disbursed to the petitioners, as expeditiously as possible.

10. With the above directions, these writ petitions are disposed of. However, there shall be no order as to costs. Consequently, connected



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miscellaneous petitions are closed.

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17.10.2022

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Index : Yes/No

Speaking Order (or) Non-Speaking Order

Copy to

- 1.The Secretary to Govt.,
Industries (M.I.A.1) Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector,
Cuddalore District,
Cuddalore.
- 3.The Special Tahsildar (L.A) No.VII,
Neyveli – 607 802.

M.DHANDAPANI, J.

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