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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. NO.14269 OF 2020
W.M.P.NO.17740 OF 2020

1. Alamelu
2. Kokila

... Petitioners

-Vs-

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Public Works Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The District Collector,
Thiruvallur District,
Thiruvallur.
4. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
5. The Special Tahsildar (Land Acquisition) Unit-IV,
Kannankottai - Thervoykandigal Reservoir Scheme,
Gummidipoondi Taluk @ Kavarapettai,
Thiruvallur District.
6. The Executive Engineer,
Public Works Department (PWD)
Thervoykandigai Reservoir Project,
Division - I, Chennai - 600 052.

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents herein to pay the compensation for the lands belonging to the petitioner comprised in survey No.16/4



measuring an extent of 0.33.0 Hectares and Survey No.16/3 measuring an extent of 0.28.0 Hectares in patta No.1323 situated at Village No.29, Thervoy Kandigai Village, Gummidipoondi Taluk, Thriuvallur District in terms of provisions of Central Land Acquisition Act 30 of 2013 as given to similarly situated persons pursuant to order in W.A.No.1666 of 2018 of this Court and consequently to provide all benefits in terms of Sections 31 & 38 of Act 30 of 2013 within the time frame fixed by this Court to the petitioners.

For Petitioners : Mr.N.Nithianandam

For Respondents : Mr.M.Muthusamy
Government Advocate

ORDER

The Writ Petition has been filed to direct the respondents herein to pay the compensation for the lands belonging to the petitioner comprised in survey No.16/4 measuring an extent of 0.33.0 Hectares and Survey No.16/3 measuring an extent of 0.28.0 Hectares in patta No.1323 situated at Village No.29, Thervoy Kandigai Village, Gummidipoondi Taluk, Thriuvallur District in terms of provisions of Central Land Acquisition Act 30 of 2013 as given to similarly situated persons pursuant to order in W.A.No.1666 of 2018 of this Court and consequently to provide all benefits in terms of Sections 31 & 38 of Act 30 of 2013 within the time frame fixed by this Court to the petitioners.

2. The case of the petitioners is that they are in possession and enjoyment of the land comprised in survey No.16/4 to an extent of 0.33.0 Hectares in patta No.1324 and the land in Survey No.16/3 to an extent of 0.28.0 Hectares in patta No.1323 situated at Village No.29, Thervoy Kandigai Village, Gummidipoondi Taluk, Thriuvallur District. According to the petitioners, these lands were assigned to them free of cost in G.O.Ms.No.396, Revenue Department dated 23.06.2006 and G.O.Ms.No.555, Revenue Department dated 26.08.2018 as per the Revenue Standing Order No.15. Subsequent to that, all the revenue records were mutated in their names.

3. While being so, large extent of lands in the said village and adjacent villages were acquired for the formation of new Reservoir viz., Kannankottai-Thervoykandigai Reservoir Scheme under the provisions of Land Acquisition Act. Originally, the said lands were not acquired, since they are situated outside the boundaries of the project. However at a later point of time, the respondents have come to the conclusion that the

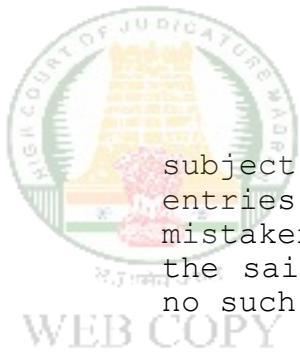


subject lands are also required for the scheme. Accordingly, the Assistant Executive Engineer, Public Welfare Department, Thervoykandigai Reservoir project, by his proceedings dated 01.09.2014, informed the sixth respondent that the subject lands were by mistake omitted in the list of acquisition of land and the subject lands are required for laying the bund for the project and for laying alternate roads and recommended for acquisition of the said lands. However, the respondents without following any procedures had taken possession of the subject lands in the year 2014 and utilised the same for the said project. Therefore, the petitioner have made representation for seeking compensation as prescribed under the applicable law.

4. The learned counsel appearing for the petitioner submitted that the subject lands were originally assigned in favour of the petitioners and thereafter they have issued patta. Therefore they are absolute owners of the said lands and they are entitled for the compensation. In support of his contention, he relied upon the judgment dated 14.12.2018 passed by this Court in W.A.No.1666 of 2018 in the case of the State of Tamil Nadu & ors Vs. Adhikesavan & ors.

5. The fifth respondent filed counter and it revealed that originally the land to an extent of 2.68.0 hectares in S.No.16 of Thervoykandigai Village in Gummidipoondi Taluk of Tiruvallur District stood recorded as Manavari Anadeenam in the Updated Registry Scheme Accounts. Out of the total extent of 2.68.0 hectare, an extent of 0.40.5 hectare was alone assigned to one Kanthammal W/o. Sugendran under patta No.856 with the new sub-division number 16/2 at the time of implementation of Land Assignment Scheme of 2 acres as per the District Revenue Officer, Tiruvallur proceedings No.26977/2006 dated 04.09.2006.

6. Further, in the village accounts held by the Village Administrative Officer, Thervoykandigai, entires were made as if the subject lands were assigned in favour of the petitioners. Actually no assignment of lands were granted in favour of the petitioners. The subject lands have not been notified for acquisition of the above said project. When it was verified with the computer records, no such assignment pattas were issued to the petitioners. As per the data and the entires made in the Taluk office, Gummidipoondi, the subject lands were reclassified as Manavari Anadeenam with remarks of Poramboke. The said fact was reported by the Tahsildar, Gummidipoondi by his communication dated 13.02.2015 and the letter dated 23.03.20015 by the fifth respondent and the letters dated 17.12.2014 and 06.04.2015 by the Special District Revenue Officer (Land Acquisition). Subsequently, the sixth respondent has applied for transfer of 0.61.0 hectare land under letter dated 12.03.2015, which has been forwarded to the third respondent. As such, the



subject lands were not assigned to the petitioners and the entries were available in the village accounts were made mistakenly as if they were issued patta. However, subsequently the said mistakes have been rectified in the village chitta and no such patta is in existence as on date.

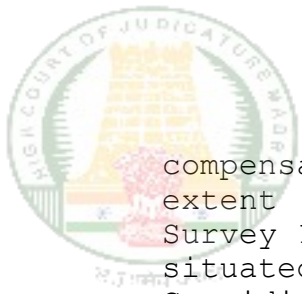
7. Heard Mr.N.Nithianandam, learned counsel appearing for the petitioners, and Mr.M.Muthusamy, learned Government Advocate appearing for the respondents.

8. On perusal of records revealed that the subject lands were acquired for the Kannankottai-Thervoykandigai Reservoir Scheme, though the said lands were not notified in the notification issued under Section 4(1) of the Land Acquisition Act and subsequently permitted to acquired the said lands by way of private negotiation. When the respondents initiated steps to acquired the land by way of private negotiation, they found that the subject lands were not assigned by issuance of D Form patta in favour of the petitioners, as per the Revenue Standing Order No.15. Further in the village accounts, wrongly made entires in favour of the petitioners and subsequently it was corrected as Manavari Anadeenam.

9. Even assuming that the subject lands were classified as Grama Natham, the petitioners are entitled for house site for residential purpose and not for the purpose of cultivating the entire lands. The communication dated 23.03.2015 issued by the fifth respondent revealed that on the enquiry it was found that in the year 2006, the revenue officials had taken steps to issue patta for landless poor and also initiated to issue free house site patta. Subsequently, both the schemes were dropped and the petitioners were not issued any free house site patta. Therefore, the request of the petitioners were duly rejected by the fifth respondent by the communication dated 23.03.2015.

10. The learned counsel appearing for the petitioners relied upon the judgment dated 14.12.2018 passed by this Court in W.A.No.1666 of 2018 in the case of the State of Tamil Nadu & ors Vs. Adhikesavan & ors., which held that the assignee is entitled for compensation, even though the said lands are assigned lands. The assignee is treated to be an affected family and they extended all benefits under the Act 30 of 2013.

11. Admittedly, in the case on hand, the petitioners are not assigned with any lands and they are not assignees of the land as claimed by them. Further the subject lands were acquired by the respondents either by the acquisition proceedings or by the private negotiation. It shows that the land with the government and they intend to acquire their own lands. Therefore, the writ petitioners are not entitled for any



compensation for the land comprised in survey No.16/4 to an extent of 0.33.0 Hectares in patta No.1324 and the land in Survey No.16/3 to an extent of 0.28.0 Hectares in patta No.1323 situated at Village No.29, Thervoykandigai Village, Gummidipoondi Taluk, Thiruvallur District, which is classified as Manavari Anadeenam and the Writ Petition is devoid of merits and liable to be dismissed.

12. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
State of Tamil Nadu
Public Works Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The District Collector,
Thiruvallur District,
Thiruvallur.
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Gummidipoondi Taluk @ Kavarapettai,
Thiruvallur District.



6. The Executive Engineer,
Public Works Department (PWD)
Thervoykandigai Reservoir Project,
Division - I, Chennai - 600 052.

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+1cc to Mr.N.Nithianandam, Advocate, S.R.No.2534
+1cc to the Government Pleader, S.R.No.3069

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RGN(CO)
PM/14/02/2022