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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23683 of 2014  
and M.P.No.1 of 2014

P.Natarajan

... Petitioner

-Vs-

1. The Sub-Collector,  
(Land Acquisition),  
Chidambaram.
2. The Special Tahsildar,  
Neyveli,
3. The Tahsildar,  
Chidambaram.
4. The Chairman,  
Neyveli Lignite Corporation,  
Neyveli.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, declaring that acquiring of the petitioner land of R.S.No.26/1 Valaiyamadevi Kilpadi Village, Chidambaram Taluk, South Arcot District, without issuing any proper notice and not following the rules of land acquisition and conversion of Punjai land into Tharisu land is null and void and against the natural justice.

For Petitioner : Mr.R.Venkatesulu

For R1 to R3 : Mr.M.Muthusamy  
Government Advocate.

For R4 : Mr.N.Nithianandan

ORDER

This Writ Petition has been filed for the issuance of Writ of Declaration, declaring that acquiring of the petitioner land of R.S.No.26/1 Valaiyamadevi Kilpadi Village, Chidambaram



Taluk, South Arcot District, without issuing any proper notice and not following the rules of land acquisition and conversion of Punjai land into Tharisu land is null and void and against the natural justice.

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2. Heard Mr.R.Venkatesulu, learned counsel appearing for the petitioner, Mr.M.Muthusamy, learned Government Advocate appearing for the respondents 1 to 3 and Mr.N.Nithianandan, learned counsel appearing for the fourth respondent.

3. The case of the petitioner is that the land comprised in R.S.No.26/1, ad-measuring 1 acre and 6 cents situated at Valaiyamadevi Kilpadi Village, owned by the petitioner's maternal grand father one Vavuthan and the petitioner is the only legal heir of his grand father. As per the extract of the relevant Collectorate Register, the petitioner's grand father is the owner of the said land. The petitioner came to understand from the Village Assistant in the year 2013, that the subject land had been transferred in favour of the fourth respondent Corporation in the year 2008 itself. Thereafter, the petitioner obtained information under the Right to Information Act and found that the said land is classified as "Punjai Tharisu". Therefore, without any notice to any of the legal heirs of the petitioner's grand father, the subject land had been re-classified as Tharisu and transferred in favour of the fourth respondent without any acquisition proceedings.

4. A perusal of the counter filed by the fourth respondent revealed that the subject property comprised in Survey No.26/1 was a Government land, which is classified as Tharisu. On requisition of the fourth respondent for mining purposes in the year 2000, the Government of Tamil Nadu invoked the provisions of Revenue Standing Orders, alienated the subject property in favour of the fourth respondent even in the year 2005 itself on payment of double the market value of the land to the Government. Subsequent to alienation and on payment of market price, the revenue records relating to the subject property were mutated in the name of the fourth respondent. Therefore, the subject land is not acquired invoking any of the provisions applicable for the acquisition of land.

5. The fourth respondent is one of the major Government of India Enterprises involved in mining lignite and generation of power. For the uninterrupted mining activities and generation of power by the fourth respondent, it requires large extent of lands in and around Neyveli. In fact, the required patta lands are acquired under the applicable Land Acquisition Act by the Government of Tamil Nadu from time to time for the fourth respondent. In respect of the subject property comprised in Survey No.26/1 to an extent of 0.43.0 hectares (1.06 acres) was



classified as Punjai Tharisu (Waste Dry land) belong to Government of Tamil Nadu.

6. A perusal of records also revealed that such as the extract of Re-Survey and Re-Settlement register, categorically shows that the subject land is classified as "Tharisu". On the request made by the fourth respondent, the Government of Tamil Nadu had considered and finally by way of G.O.Ms.No.204 dated 03.04.2008 alienated the subject property in favour of the fourth respondent in terms of the Revenue Standing Order 24(6) on payment of double the market value of the subject property. In pursuant to the said Government order, the fourth respondent had paid the determined land cost at Rs.5,26,547/- (Rupees Five Lakhs Twenty Six Thousand Five Hundred and Forty Seven only) on 13.08.2008 to the Government of Tamil Nadu. On payment of the land cost, the revenue records relating to the subject property and other properties were mutated in the name of the fourth respondent and the fourth respondent was also issued patta in Patta No.1793 by the Revenue Authorities.

7. In view of the above, there is no land acquisition proceedings and this writ petition is devoid of merits and it is liable to be dismissed. However, the petitioner is at liberty to approach the Civil Court in the manner known to law.

8. In the result, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Sub-Collector,  
(Land Acquisition),  
Chidambaram.
2. The Special Tahsildar,  
Neyveli,
3. The Tahsildar,  
Chidambaram.



4. The Chairman,  
Neyveli Lignite Corporation,  
Neyveli.

+1cc to M/s.Usha Ramman, Advocate, S.R.No.6074

+1cc to M/s.N.Nithianandan, Advocate, S.R.No.5432

+1cc to the Government Pleader, S.R.No.5668

W.P.No.23683 of 2014  
and M.P.No.1 of 2014

KSM(CO)  
SB(11/02/2022)