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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.2472 OF 2014

AND

M.P.NOS.1/2014 AND 1/2015

Amullaivoyal Grama Vivasaigal CPCL
Kudiyuruppu, Padukappu Nalasangam,
rep.by its President D.Arjuna Naicker,
No.56, Neduncahalai, Manali, Chennai-68.

... Petitioner

Vs.

1. The District Collector,
Tiruvallur, Tiruvallur District.
2. The Revenue Divisional Officer,
Collectorate Office,
Tiruvallur District.
3. The Special Tahsildar (LA),
Aromatic Complex (CPCL)
Saidapet, Chennai 600 015.
4. The Chairman,
Chennai Petroleum Corporation Limited,
No.552, Anna Salai, Teynampet, Chennai 18.
5. Amullaivoyal Village (Part I),
Koil and Social Trust,
rep.by its President,
No.167, CPCL Plots,
Amullaivoyal Village, Manali,
Chennai 68.

(R5 is impleaded as per order dated
16.04.2015 in MP.No.1/2015 in W.P.No.2472 of 2014)

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to implement the letter sent by the 3rd respondent herein in



Na.Ka.93/07 dated 5.11.2013 within the time frame fixed by them and consider the claims of the petitioners.

For Petitioner : Ms.R.T.Sundari
For RR1 to RR3 : Mr.V.Veluchamy
Additional Government Pleader
For RR4 : Mr.B.Kishore
for M/s.DGA Associates

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O R D E R

The petitioner has filed this petition for issuance of writ of Mandamus to direct the respondents to implement the letter sent by the 3rd respondent herein in Na.Ka.93/07 dated 5.11.2013.

2. The case of the petitioner is that the Government of Tamil Nadu in G.O.Ms.No.648, Industries (MID.1) Department dated 16.09.1989, accorded administrative sanction for acquisition / transfer of 1655.92 acres of patta and Government poramboke lands in Manali, Vaikkadu, Amullavoyal, Mathur, Kosappur and Elanthancheri Villages of Saidapet Taluk, Chengai Anna District, now in Madhavaram Taluk and Thiruvottriyur Taluk of Tiruvallur District for setting up Aromatic Complex and other petro based downstream projects close to Madras Refineries Ltd. (MRL) now renamed as Chennai Petroleum Corporation Limited (CPCL) and an extent of 1268.82 acres of patta and poramboke lands have been acquired for the project. Further it is alleged by the petitioner that from the date of acquisition, the respondents have not used the lands for any purpose. Even after the acquisition, the petitioners were in physical possession of the land. While so, one Arujunan had filed W.P.No.9944 of 2007 and the said Writ Petition was taken along with batch in W.P.No.9659 of 2007 and disposed of by a common order dated 19.04.2007, directing the petitioner to produce evidence before the Revenue Divisional Officer, Ponneri and further directed to conduct an enquiry. Thereafter, the RDO conducted an enquiry and rejected the claim of the petitioners stating the petitioners were not residing in that place after 1997 and subsequently, the 3rd respondent has given notice to the petitioners therein to approach the respondents for their relief and when the petitioner approached the respondents for their relief, it also rejected on the ground that they have not preferred any appeal after the RDO enquiry. Even thereafter, the said Arjunan has filed W.P.NO.10464 of 2011 and the said Writ Petition also dismissed on 09.07.2012, stating that the petitioner therein could not get his name in the Amullavoyal Kudiyiruppor Sangam.



After dismissal of the said Writ Petition, the petitioner formed a Society for the benefit of the villagers, who are really a land losers and they approached the 2nd respondent to allot the alternate sites and given the name list to consider their request on 21.01.2013 and the 2nd respondent forwarded the letter to the 3rd respondent to conduct an enquiry on 29.01.2013. The 3rd respondent sent a letter dated 15.02.2013 to the 2nd respondent, stating that the list given by the said Arjunan cannot be considered and subsequently, at the instance of the said Arjunan, finally the 3rd respondent sent a letter to the petitioner to attend the meeting to be held on 12.07.2013 and the Society people and the villagers attended the meeting and in that meeting, the respondents 2 and 3 informed that each villagers should give list for the alternate site and the petitioner have given the list to the respondent, however it was pending before the respondents 2 and 3. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that the petitioners have approached the respondents for several times and sent a representation also, but no action was taken by the respondents and as informed in the meeting held on 12.07.2013, the society has given the name list with the concurrence of all the villagers for the allotment of the alternate site, now the respondents are trying to allot the alternate sites to other persons and hence prays for appropriate orders.

4. The learned Additional Government Pleader appearing for the official respondents submitted that the Special Tahsildar (L.A) Aromatic Complex-CPCL, Saidapet, has enumerated the villagers to be rehabilitated in 2004 and published the preliminary list of beneficiaries on 27.09.2005 and called for objections. The Village Residents' Associations have submitted list of members of their Associations and they were requested to advise their members to appear for enquiry with relevant proof of their claim, however nobody appeared for enquiry and proved their claim and the preliminary list published were confirmed and published as final list of beneficiaries. After completion of entire rehabilitation, the residents Association of Amullavoyal and Vaikkadu made representation to the District Collector and requested further allotment of 65 to 70 house site to the non allottee of residents and the District Collector, Tiruvallur, accepted the request and the Chief Secretary to Government also accepted the recommendations of the District Collector and allotted further 67-70 families without insisting any norms. But the Villagers Association further demanded more allotment instead of Government Order.



5. It is further alleged that the petitioner's association formed against existing Amullavoyal Association is not supported or accepted by the villagers, in view of the fact that the existing Association has already submitted their representation in which, the members of the petitioner Association does not find place. The petitioner in this Writ Petition has already filed individually W.P.No.9944/2007 which was dismissed with a direction to submit a representation to the Court appointed enquiry officer, Revenue Divisional Officer with relevant evidence, however his representation was rejected, as there was no evidence to prove his residence in the Village and the second petition in W.P.No.10464/2011 was also dismissed on 09.07.2012, since he could not get his name included in the list submitted by the Amullavoyal Kudiyiruppor Sangam, he has started this new Association with his family members and others and therefore, there is no justification in the prayer sought for by the petitioner and hence prays for dismissal of this petition.

6. This Court has carefully considered the rival submissions and also perused the materials available on record.

7. The crucial issue involves in the present writ petition is whether the petitioner is entitled for rehabilitation package or not. Already the issue came up for consideration before this Court in W.P.No.10464/2011 and the relevant paragraph is as follows:

'15. The petitioners rely upon the estimate given by the 4th respondent for the value of the hut, to contend that there was actually a superstructure. But, the question as to whether there was actually a superstructure at the time of enumeration is the question to be addressed. Therefore, merely because there was a valuation of hut at an earlier point of time, it cannot be contended that the petitioners were actually living there at the time of displacement. The rehabilitation packages is intended only to enable persons who are displaced, to be relocated in another place. The persons, who have already moved out, are not entitled to the package.'

8. This Court in the above said decision, categorically held that the rehabilitation packages is intended only to enable persons who are displaced, to be relocated in another place. The persons, who have already moved out, are not entitled to the package. When such categorical finding has been rendered by this Court, contrary to the said finding, the Revenue Divisional Officer is incompetent to take decision and therefore, the



petitioner's claim is not sustainable one and thereby, the relief sought for by the petitioner cannot be granted.

9. For the reasons aforesaid, this Writ Petition is dismissed. NO costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

1. The District Collector,
Tiruvallur, Tiruvallur District.
2. The Revenue Divisional Officer,
Collectorate Office,
Tiruvallur District.
3. The Special Tahsildar (LA),
Aromatic Complex (CPCL)
Saidapet, Chennai 600 015.
4. The Chairman,
Chennai Petroleum Corporation Limited,
No.552, Anna Salai, Teynampet, Chennai 18.

+1cc to Mr.R.Senthil Kumar, Advocate, S.R.No.17486

+1cc to M/s.R.Margabandhu, Advocate, S.R.No.17734

+1cc to the Government Pleader, S.R.No.17820

W.P.No.2472 of 2014

AD(CO)
RLP(01/04/2022)