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W.P. No. 24221 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

W.P. No.24221 of 2022

Kaliamoorthy

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Industries (MI.1) Department,
Secretariat, Chennai-9.

2. The Commissioner of Land Administration,
Chepauk, Chennai-5.

3. The Chairman and Managing Director,
Tamil Nadu Industries Development Corporation (TIDCO)
No.19-A, Rukmini Lakshimipathy Road,
Egmore Chennai-8.

4. The District Collector,
Ariyalur District.

5. The Special Tahsildar (LA)
Jayankondam Lignite Power Project (JLPP)
Jayamkondam, Ariyalur District.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus Calling for the entire records in pursuant to the G.O. (M.S.) No.110 Industries (M.I.E.1) Department dated 02.06.2022 and quash the same with a consequential



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direction to pay a compensation of Rs.25,30,000 /- towards damages suffered by petitioner on account of acquisition of petitioner land for industrial purposes.

For Petitioner : Mr. T.P.Prabakaran

For Respondents : Mr. P.Sathish, AGP

ORDER

The Writ Petition has been filed challenging G.O. (M.S.) No.110 Industries (M.I.E.1) Department dated 02.06.2022 and consequently, directing to pay a compensation of Rs.25,30,000 /- towards damages suffered by petitioner on account of acquisition of petitioner's land for industrial purposes.

2. The case of the petitioner is that the lands belongs to the petitioner and others owners were acquired for establishment of Integrated Lignite Mining cum Power Generation Project(ILMPGP) in favour of the 3rd respondent under urgency Clause 17(1) of Part II of the Land Acquisition Act, 1894. After following due process of law, the 5th respondent passed an award. Aggrieved over the award, the matter was required to be referred and the same was referred before the Special Court, Jayamkondam in L.A.O.P. Nos. 2150 and 1697 of 2008. The learned Judge, after a careful



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consideration, enhanced the compensation amount of the land belongs to the petitioner. Challenging the said order, the 5th respondent has filed an appeal in A.S. Nos.246 and 247 of 2017 before this Court and this Court disposed of the same by its order dated 22.04.2022 based upon the submissions made by the counsel for the 3rd respondent stating that the Government has taken a policy decision not to implement the said Integrated Lignite Mining cum Power Generation Project. Subsequently, the first respondent has issued G.O.Ms.No.110 Industries (MIE.1) Department dated 02.06.2022 and intimated that the land goes back to the persons from whom it was acquired or their legal heirs. Challenging the said Government Order, the petitioner has filed the present writ petition before this Court seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that the lands were acquired during the year 1997 and the Government had taken a decision to return the lands only during the year 2022. The impugned G.O. issued by the first respondent to reconvey the petitioner's land without giving any compensation for the damages suffered by the petitioner on



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account of acquisition of his lands for nearly 23 years is against law.

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4. The learned Special Government Pleader fairly submitted that after a careful consideration, the Government has passed the G.O.Ms.No.110 Industries (MIE.1) Department dated 02.06.2022 and relevant paragraphs are extracted hereunder:

"a. The lands shall be re-conveyed only after getting request from the land owners and specifically mentioning in the request letters that he/she is not asking any compensation in any form from Government and TIDCO.

b. The District Collector, Ariyalur should ensure that the land goes back to the persons from whom it was acquired/their legal heirs.

c. The documentation should be made clear that although the land was formally handed over to TIDCO, it continued in enjoyment of the original owners I.e. only paper possession was taken and not actual possession."

5. Heard both sides and perused the materials available on record.

6. There is no doubt, that the Government have started **acquiring** the **lands** for the Jayamkondam **Lignite** Power Project to be implemented



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by M/s. TIDCO **Land** Acquisition and proceedings were initiated under [Section 4\(1\)](#) of the Act and thereafter, reference under [Section 18](#) of the Act was also made to the competent court and the Civil Court had also enhanced the compensation by setting aside the award which was fixed by the Land Acquisition Officer. In the meanwhile, the Government has passed the above said G.O. On perusal of the said G.O., the Government has decided to reconvey the acquired lands to the land owners or their legal heirs without collecting the compensation amount, which was already paid to the land owners. This Court cannot interfere with the above said G.O. passed by the Government in respect of any single person. Many land owners are getting benefit for the above said G.O. In view of the above discussion, this Court finds there is no merit in the Writ Petition. Hence, the same is liable to be dismissed.

7. In the result, the writ petition stands dismissed. No costs.

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking

5/6



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M.DHANDAPANI, J.

Rli

To

1. The District Collector,
District Collector Office,
Theeran Chinnamali Maligai,
Erode District,
Erode - 11.
2. The Sub Collector,
Erode District,
Erode.
3. The Regional Deputy Thasildar,
Erode District,
Erode.
4. The Thasildar,
Thasildhar Office,
Sathiyamangalam,
Erode.

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