



WEB COPY



W.P.No.28528 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28528 of 2022

And

W.M.P.No.27843 of 2022

N.T.Rajasekar

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
Rep. by its Chief Secretary,
Fort St.George,
Chennai – 600 009.
- 2.The Principal Secretary to Government,
Revenue and Disaster Department,
Land Administration Wing,
La-1(1) Section,
Fort St.George,
Chennai – 600 009.
- 3.The District Collector,
Tiruvarur District,
Tiruvarur.
- 4.The District Revenue Officer,
Tiruvarur District,
Tiruvarur.
- 5.The General Manager,
HR-ER and SM, (LAQ) ONGC Ltd.,
Cauvery Asset Office,
LA – Section,
Neravy Karaikal.



W.P.No.28528 of 2022

WEB COPY

6.The Assistant Manager / Executive Director,
ONGC Ltd.,
Neravy Karaikal.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to fix the compensation under private negotiation or initiate proceedings under Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Re-Settlement Act, 2013 (Act 30 of 2013) in Survey No.66/2A1A measuring 0.33.91 ares (36,500 sq.ft.) Velangudi Village, Tiruvarur District and fix the time limit for payment of compensation to the petitioner.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.U.Baranidharan for R1 to R4
Additional Government Pleader
M/s.P.N.Radhakrishnan for R5 and R6

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 4 to fix the compensation under private negotiation or initiate proceedings under Right to Fair Compensation and Transparency in Land Acquisition,

2/8



W.P.No.28528 of 2022

Rehabilitation and Re-Settlement Act, 2013 (Act 30 of 2013), in Survey No.66/2A1A measuring 0.33.91 ares (36,500 sq.ft.) Velangudi Village, Tiruvarur District and fix the time limit for payment of compensation to the petitioner.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the subject property. He further submitted that initially, the property was owned by one Seetha Lakshmi and during the year 1995, the fifth respondent entered into temporary lease agreement with Seetha Lakshmi for a period of three years and took over the land and started drilling operation to extract oil and natural gas from the land and since the respondents 5 and 6 were paying very meager lease amount, she made representation to the respondents 5 and 6 seeking to acquire the land permanently and to pay compensation. Thereafter, ONGC sent letter to the third respondent seeking to acquire the land for its use of extraction of oil and natural gas, however, the third respondent did not take any steps.

3.The learned counsel appearing for the petitioner further submitted that thereafter the said Seetha Lakshmi filed W.P.No.6556



W.P.No.28528 of 2022

of 2017 before this Court seeking direction to the respondents therein

WEB COPY

to initiate proceedings under direct negotiations to settle the compensation or to initiate proceedings under Act 30 of 2013 and also for additional compensation for country's first helium extraction pilot plant land and this Court vide order dated 29.06.2017, directed the District Collector to fix the compensation after getting appropriate report from the Revenue Divisional Officer and Tahsildar, pursuant to which, the District Collector convened a meeting with the said Seetha Lakshmi and the Officials of ONGC, however, the amount quoted by the ONGC was not accepted and thereafter, the petitioner purchased the property from the said Seetha Lakshmi during the year 2018.

4.The learned counsel appearing for the petitioner further submitted that the subject property was acquired through the petitioner's vendor under temporary acquisition in terms of Section 35 of the Land Acquisition Act only for three years and the time limit was not subsequently extended, however, ONGC continue to enjoy the land without paying any rent either to the petitioner or to the petitioner's vendor and further submitted that the order of this Court dated 29.06.2017 made in W.P.No.6556 of 2017 was also not



W.P.No.28528 of 2022

complied with

WEB COPY

by the respondents. Hence, this Court may issue direction to the respondents to fix fair rent or acquire the land by paying fair compensation.

5.The learned counsel appearing for the respondents 5 and 6 submitted that though the land was acquired in the year 1995 through temporary acquisition, the acquisition was extended and it continues upto 2023 and ONGC occupied the land with legal sanctity in terms of temporary Land Acquisition Act.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Admittedly, during the year 1995, ONGC entered into lease agreement with the petitioner's vendor for a period of three years and took over the land for the purpose of extracting oil and natural gas from the land and the temporary acquisition was valid till the year 1998.



W.P.No.28528 of 2022

WEB COPY

8.Though ONGC claim that acquisition was extended upto the

year 2023, no records were placed before this Court to substantiate the same. Earlier, this Court had directed the District Collector to fix the compensation after getting appropriate report from the Revenue Divisional Officer and Tahsildar, the said exercise has not yet been completed.

9.Though the inaction on the part of the District Collector amounts to contempt, considering the submission made by the learned counsel appearing for ONGC, this Court issues direction to the third respondent to hear the petitioner as well as the respondents 5 and 6 and either fix fair compensation or acquire the land permanently in favour of ONGC. The said exercise shall be completed, within a period of twelve weeks from the date of receipt of a copy of this order.

10.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.



W.P.No.28528 of 2022

24.11.2022

pri

WEB COPY

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

- 1.The Chief Secretary,
Fort St.George,
Chennai – 600 009.
- 2.The Principal Secretary to Government,
Revenue and Disaster Department,
Land Administration Wing,
La-1(1) Section,
Fort St.George,
Chennai – 600 009.
- 3.The District Collector,
Tiruvarur District,
Tiruvarur.
- 4.The District Revenue Officer,
Tiruvarur District,
Tiruvarur.
- 5.The General Manager,
HR-ER and SM, (LAQ) ONGC Ltd.,
Cauvery Asset Office,
LA – Section,
Neravy Karaikal.
- 6.The Assistant Manager / Executive Director,
ONGC Ltd.,
Neravy Karaikal.



WEB COPY



W.P.No.28528 of 2022

M.DHANDAPANI,J.
pri

W.P.No.28528 of 2022
And
W.M.P.No.27843 of 2022



WEB COPY



W.P.No.28528 of 2022

24.11.2022