



AS.No.143, 180 and 181 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE A.A.NAKKIRAN

AS.No.143, 180 and 181 of 2006

The Secretary,
Neyveli Lignite Corporation Limited
Neyveli 607801

Appellant-All Appeals

Vs

1. Govindasamy (died)
2. The Special Tahsildar No.III
Land Acquisition Office, Neyveli-2

3. Ganesan
4. Kandasamy
5. Gandhimathi
6. Anjala
7. Jothi Ramalingam
8. Chinnammal

Respondents-AS.No.143 of 2006

9. S.Manimekalai

- 10.The Special Tahsildar
Land Acquisition, Neyveli-2

Respondents-AS.No.180 of 2006

- 11.S.Manickavasagam (died)

- 12.The Special Tahsildar (LP)
Land Acquisition, Neyveli-2

Respondents-AS.No.181 of 2006

Prayer:- These Appeal Suit have been filed, against the judgements and



AS.No.143, 180 and 181 of 2006

decrees, dated, 31.12.2004, made in LAOP.No.35 of 2003, 21.12.2004 made in LAOP.No.12 of 2003 and 21.12.2004 made in LAOP.No.13 of 2003, by the Additional District Judge (FTC-III) Virudhachalam.

For Appellant : Mr.N.Nithianandam

For Respondents : M/s.D.Balachandran and
S.S.Meenakumary-R1

COMMON JUDGEMENT

(Judgement of the Court was made by S.S.SUNDAR, J.)

1. These Appeal Suit have been filed, against the judgements and decrees, dated, 31.12.2004, made in LAOP.No.35 of 2003, 21.12.2004 made in LAOP.No.12 of 2003 and 21.12.2004 made in LAOP.No.13 of 2003, by the Additional District Judge (FTC-III) Virudhachalam, by the M/s.Neyveli Lignite Corporation Limited, a Public Sector Undertaking.
2. The lands belonged to the Respondents/claimants were acquired for the purpose of M/s.Neyveli Lignite Corporation Limited. After the acquisition of the lands under three different Notifications under Section 4(1) of the Land Acquisition Act, 1894 (herein after referred to as the Act), an award was passed, fixing the market value at a very low price. The claimants sought for reference under Section 18 of the Act. Unfortunately, the lands acquired by the Notifications, issued in 1978, 1982 and 1991, were clubbed together before the Reference Court and the Reference Court determined the market value uniformly in all cases based on the same set of documents and the compensation was enhanced in all the cases. Aggrieved by the judgement



AS.No.143, 180 and 181 of 2006

and decree of the Reference Court, enhancing the compensation, the above appeals have been filed by the M/s.Neyveli Lignite Corporation Limited

3. It is unfortunate to notice that the claimants were deprived of their agricultural lands long back and this Court faced with a situation to remit the matter, which would cause further delay. Hence, this Court suggested the possibility of settlement. The learned counsel for the Appellant Corporation got approval for settlement using his good office. It is represented that the claimants have withdrawn 50% of the amount as per the award of Reference Court with statutory benefits. The learned counsel for the Appellant was, therefore, asked to find out whether the Appellant Corporation can pay something more to the claimants.
4. The learned counsel for the Appellant Corporation earlier gave a proposal in respect of nine other cases in AS.Nos.129 to 133 and 144 to 147, which are connected with the present appeals. After negotiation, the Appellant and the claimants therein reported before this Court that on receipt of certain amount by the claimants therein, as offered by the Appellant, the connected appeals were disposed of, by a judgement, dated 15.12.2022. The present appeals are the remaining cases, which were earlier posted along with those nine cases.
5. The learned counsel for the Respondents/claimants has reported that the Respondents/ claimants have agreed to receive the amounts as offered by the



AS.No.143, 180 and 181 of 2006

WEB COPY

Appellant Corporation. The extent of lands, date of 4(1) Notification and the amounts, to which the parties have agreed for settling the issues, after receiving the amount already deposited and withdrawn by the claimants, in the respective appeals, are tabulated as under:-

S.No.	Case No.	Extent of Land (Hectares)	Date of 4(1) Notification	Amount (Rs.)
1	AS.No.143 of 2006	2.02.0	10.06.1991	26,00,000/-
2	AS.No.180 of 2006	1.17.5	17.04.1989	12,00,000/-
3	AS.No.181 of 2006	1.11.5	17.04.1989	5,00,000/-

6. The learned counsel on either side reported that the Appellant as well as the Respondents/claimants have agreed for the above said proposal and that therefore, these appeals may be disposed of in terms of the above said proposal..

7. In view of the above, recording the above said proposal, as reported by the learned counsel on either side, these appeals are disposed of, in the following lines:-

(a) The Appellant Corporation shall pay the following amounts to the respective Respondents/ claimants, in the corresponding appeals as indicated below:-

S.No.	Case No.	Amount (Rs.)
1	AS.No.143 of 2006	26,00,000/-
2	AS.No.180 of 2006	12,00,000/-



AS.No.143, 180 and 181 of 2006

S.No.	Case No.	Amount (Rs.)
3	AS.No.181 of 2006	5,00,000/-

- (b) The above said amounts that are now agreed to be paid to the respective claimants/ Respondents will be in full quit of their claim and the claimants/ Respondents or their legal representatives shall not have any other claim by way of compensation for the lands acquired from them.
- (c) The entire amount calculated shall be deposited to the credit of the proceedings in the lower Court and the claimants/ Respondents are entitled to file applications for withdrawal and the amount shall be disbursed to them by the lower Court within a period of three weeks from the date of filing of such applications by the claimants/ Respondents.
- (d) The claimants/ Respondents shall file applications for such withdrawal along with the particulars of the persons and the apportionment. In case of any dispute, it is open to the lower Court to decide the same.
- (e) Since the settlement was at the instance of the Court due to the peculiar facts and circumstances of the cases noticed by this Court, the amount fixed by way of compensation in the above appeals need not be a precedent.
- (f) No costs. Consequently, the connected MPs are closed.

(S.S.S.R.J.) & (A.A.N..J.)
31.01.2023



AS.No.143, 180 and 181 of 2006

Index:Yes/No

Web:Yes/No

Speaking/Non Speaking

Srcm

To

1. The Additional District Judge (FTC-III) Virudhachalam
2. The Record Keeper, VR Section, Madras High Court



WEB COPY



AS.No.143, 180 and 181 of 2006

S.S.SUNDAR, J.
and
A.A.NAKKIRAN, J.

Srcm

AS.No.143, 180 and
181 of 2006

31.01.2023