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AS. Nos.979 to 989 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

AS. Nos.979 to 989 of 2015

and MP.Nos.1,1,1,1,1,1,1,1,1,1 and 2,2,2,2,2,2,2,2,2,2

The Chairman,
Neyveli Lignite Corporation Limited,
Neyveli.

.. Appellant in A.S.No.979 of 2015

Versus

1. Mr.Pugazhanthi

2. The Special Tahsildar (Land Acquisition),
Jayamkondam Lignite Power Project,
Jayamkondam.

3. The Executive Director,
Tamil Nadu Industrial Development Corporation (TIDCO),
Egmore, Chennai 600 008.

.. Respondents in A.S.No.979 of 2015

PRAYER: First Appeal filed under Section 96 of C.P.C. r/w. Section 54 of L.A. Act, 1894, against the judgment and decree passed in L.A.O.P.Nos.3 of 2010 on the file of the Special Court No.I, Jayamkondam, dated 31.01.2013.



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For appellant : Ms.R.Radhika
for Mr.N.Nithianandam
For respondents
for R1 : No Appearance
for R2 : Mr.T.Chandrasekar, Spl.G.P.
for R3 : Mr.M.Vijayan
for King & Partridge

COMMON JUDGMENT

(Judgment of the Court was delivered by S.S.SUNDAR, J)

All these appeals are filed by M/s.Neyveli Lignite Corporation Limited, which is a Public Sector Undertaking fully owned by the Government of India. These appeals are directed against the judgment and decree dated 31.01.2013 in L.A.O.P.Nos.3, 5, 7 and 644 of 2010 on the file of the Special Court No.I, Jayamkondam and the judgment and decree dated 28.03.2014 in L.A.O.P.Nos.223, 234, 287, 289, 294, 295, 296 of 2008 on the file of the Special Court No.II, Jayamkondam,

2. It is admitted that several parcels of lands were acquired from the claimants/land owners in several Villages for the Jayamkondam Thermal Power Project conceived by the appellant. It appears that the Land Acquisition Officer after completing formalities passed an award fixing compensation in respect of the lands acquired along with solatium, interest and additional



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compensation in terms of Section 23(1A) of the Land Acquisition Act.

Aggrieved by the quantum of compensation fixed by the Land Acquisition Officer, the landowners seem to have filed petition under Section 18(1) of the Land Acquisition Act for enhancement of compensation before the Reference Court viz., Special Court No.I, Jayankondam and Special Court No.II, Jayankondam, respectively.

3. The Reference Court enhanced the compensation. Aggrieved by the quantum of compensation enhanced by the Reference Court, the above appeals are preferred by M/s.Neyveli Lignite Corporation Limited. The appellant contended that they are not the requisition body any more and therefore, the liability is on the M/s.Tamil Nadu Industrial Development Corporation Limited (TIDCO) to pay the compensation.

4. The learned Special Government Pleader appearing for the first respondent in all these appeals submitted that the Government have decided to withdraw the acquisition and to re-convey the land to the original landowners even without collecting the compensation paid to them at the time of acquisition by the Land Acquisition Officer and in this regard, the Government have passed G.O.(Ms).No.110, Industries (MIE.1) Department, dated

02.06.2022.

<https://www.mhc.tn.gov.in/judis>



5. The learned Special Government Pleader further submitted that the above appeals are pertaining to the lands covered by G.O.(Ms).No.110, Industries (MIE.1) Department, dated 02.06.2022. The relevant paragraphs 9, 10 and 11 reads as follows:

"9. The Government after careful examination of the request of TIDCO, the remarks of the District Collector, Ariyalur and the recommendation of Commissioner of Land Administration hereby orders that the lands acquired for the Jayankondam Lignite Power Project in the 11 Villages viz., Jayankondam, Kilakudiyiruppu, Thandalai, Edaiyar, Kattathur (South), Koovathur (South), Udayarpalayam (East), Elaiyur (East), Suriyamanal, Devannur and Variyankaval in Ariyalur District may be reconveyed to the ex-land owners without collecting the land compensation paid to them at the time of acquisition by the Land Acquisition Officer, subject to the following conditions:

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 the Government and TIDCO.

b) the District Collector, Ariyalur should ensure that the land goes back to the persons from who 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 the enjoyment of the original owners, i.e.



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only paper possession was taken and not actual possession.

10. The Chairman and Managing Director, TIDCO/the District Collector, Ariyalur is directed to send an action taken report in this regard to Government Periodically.

11. This order issues with the concurrence of Finance Department vide its U.O.No.26990/Fin (Ind)/2022, dated 31.05.2022."

6. The learned counsel appearing for the appellant produced before this Court several judgments passed by the Division Bench of this Court allowing the appeals filed by the appellants herein relating to the same matter. Some of the appeals were disposed of on the ground that M/s.Neyveli Lignite Corporation Limited is not the beneficiary of the acquisition proceedings. Few other appeals are disposed of with a direction to the Government to reconsider the case and take a decision for re-coveyance of the lands.

7. We are convinced that the Government has taken a policy decision based on the request of the M/s.TIDCO and other stakeholders and passed the said G.O.(Ms).No.110, dated 02.06.2022, in which, the acquisition proceedings have been withdrawn with a direction to re-convey the lands to the landowners subject to the landowners agreeing to give a statement that



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they will not ask for any further compensation from the Government or from the TIDCO. Therefore, the question whether compensation fixed by the Reference Court is proper or not does not arise. The lands under acquisition shall be handed over in terms of Government G.O. alone referred to within six weeks by the Land Acquisition Officer.

8. In view of the policy decision taken by the Government vide G.O.(Ms).No.110, Industries (MIE.1) Department, dated 02.06.2022 and the submissions of the learned counsel appearing for the appellant as well as the learned Standing Counsel appearing for the Land Acquisition Officer, all these appeals are allowed. Therefore, the judgment and decree dated 31.01.2013 in L.A.O.P.Nos.3, 5, 7 and 644 of 2010 on the file of the Special Court No.I, Jayamkondam and the judgment and decree dated 28.03.2014 in L.A.O.P.Nos.223, 234, 287, 289, 294, 295, 296 of 2008 on the file of the Special Court No.II, Jayamkondam are set aside. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R.J.) (P.B.B.J.)
15.03.2023

Speaking Order : Yes / No
Index : Yes / No
pvs



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To

1. The Special Court No.I, Jayamkondam
2. The Special Court No.II, Jayamkondam
3. The Section Officer,
V.R.Section, High Court, Madras



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and
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