



W.P.No.3561 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.10.2023

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.3561 of 2016

N.Ashok Kumar

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary to
Industries Department,
Secretariat, Chennai – 600 009.
2. The District Collector,
Cuddalore District, Cuddalore.
3. The Neyveli Lignite Corporation,
Represented by its Chairman,
Neyveli.
4. The District Revenue Officer,
Land Acquisition Office,
Neyveli-2

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the second respondent District Collector's proceedings



W.P.No.3561 of 2016

Na.Ka.No.L4/2508/2008 dated 10.11.2014 to quash the same and direct the respondents to provide alternative house site and agricultural land and other Rehabilitation measures as per the second respondent District Collector's proceedings in Na.Ka.No.L4/2508/2008 dated 12.01.2010.

For Petitioners : Mr.K.Sakthivel

For Respondents : Mr.P.Gurunathan
Addl. Govt. Pleader for RR1, 2 &4

Mr.F.B.Benjamin George for R3

ORDER

The writ petition has been filed seeking to quash the impugned proceedings of the second respondent in Na.Ka.No.L4/2508/2008 dated 10.11.2014.

2 It is the grievance of the writ petitioner that his land was acquired for NLC but he has not been provided alternative house site and agricultural land as per the National Policy on Resettlement and Rehabilitation for projected affected families 2003. Hence he filed a writ petition in W.P.No.25258 of 2008 to direct the respondents to provide alternative house site and agricultural land as per the Rehabilitation measures, in which, this Court on 08.04.2009 passed the order directing the

2/8



W.P.No.3561 of 2016

second respondent to hold an enquiry and pass appropriate orders on merits.

Thereafter the second respondent after conducting enquiry passed an order in proceedings No.L4/2508/2008 dated 12.01.2010 holding that the petitioner comes within the definition of affected family and he is entitled to the benefits under the Policy and directed the third respondent to provide alternative house site and other benefits. Since the third respondent has not complied with the order of the second respondent, the petitioner has filed another writ petition in W.P.No.11426 of 2013 and when the same is pending, the second respondent has passed the present impugned order rejecting the benefits to the petitioner as ordered in his earlier proceedings dated 12.01.2010. Therefore the present writ petition is filed.

3 Learned counsel appearing for the petitioner submitted that the petitioner's land was acquired for NLC and hence he is entitled to the benefits under the Rehabilitation scheme. But, even after the recommendation of the second respondent in the earlier order dated 12.01.2010, the third respondent has not allotted the alternative house site and has not extended other benefits to the petitioner. On the contrary to his



W.P.No.3561 of 2016

earlier order, present impugned order is passed, which is arbitrary stating that the petitioner is not the permanent resident of the Village. The petitioner residing in Chennai for his job and he is a permanent resident of Uyyakondaravi Village, Virudhachalam Taluk. Even the petitioner will visit his native village every week end to take care of his mother, who is living in the Village. Therefore the petitioner is entitled to get the benefits under the Rehabilitation scheme.

4 Learned counsel appearing for the third respondent submitted that the petitioner is not the permanent resident of the Village, in which his property was acquired for NLC and he settled down in Chennai. Therefore he is not eligible to get the benefits under the Rehabilitation scheme. Further the benefits under the Rehabilitation scheme has been extended to the petitioner's brother, since he is eligible for the same. The earlier order dated 12.01.2010 has been passed without appreciating the reports and records and hence the present order is passed.



W.P.No.3561 of 2016

5 Heard the learned counsel appearing for the petitioner

and the learned counsel appearing for the third respondent and the learned Additional Government Pleader appearing for the respondents 1, 2 and 4 and perused the materials available on record.

6 Admittedly the petitioner's land in Uyyakondarai Village, Viruthachalam Taluk has been acquired for NLC for mining Lignite and now the petitioner is residing in Chennai for his employment. However, since the petitioner's land was acquired for NLC and as per the scheme, the petitioner is entitled for alternative house site. There is no record to show that the petitioner is having another house within the same jurisdiction. The only reason quoted by the respondent to reject the petitioner is that he is now residing in Chennai and he is not the permanent resident of the Uyyakondarai Village. The acquired property stood in the name of the petitioner and his brother. But the third respondent contended that his brother was allotted with alternative house site. Admittedly the land was acquired from the petitioner and his brother and the petitioner name was also shown in the Award and hence the petitioner is entitled for the benefits



W.P.No.3561 of 2016

under the scheme. The petitioner admitted that he is residing in Chennai for his employment, which may not be a reason to reject the petitioner and it does not mean he lost his permanent residency in the Village.

7 It is stated that the petitioner is living in the nuclear family and if the petitioner wants to go back to his village to perform rituals and to celebrate auspicious days, he must have his own house in the village. Once earlier officer, as per the directions of this Court, after enquiry, passed the order to extend the benefits under the Rehabilitation Scheme to the writ petitioner and when another officer comes and again he reopens the matter and cancelling the earlier order, is arbitrary.

8 For the foregoing reasons, this writ petition stands allowed. The third respondent is directed to provide suitable house site to the petitioner within a period of three months from the date of receipt of a copy of this order. No costs.

31.10.2023

Index: Yes/No
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6/8



W.P.No.3561 of 2016

WEB COPY To

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2. The District Collector,
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3. The District Revenue Officer,
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W.P.No.3561 of 2016

P.VELMURUGAN, J.,

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W.P.No.3561 of 2016

31.10.2023