



WP No.25566 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.25566 of 2023

NLC Land Acquisition Affected Neglected
welfare association (regn.No.91/2022)
rep. By its President K.Asaitambi : Petitioner

versus

1.State of Tamil Nadu,
rep. By the Secretary to Government,
Revenue & Disaster Management Department,
Secretariat, Chennai 60009

2.The District Collector,
Cuddalore District

3.Neyveli Lignite Corporation India Ltd.,
rep. By the Chairman & Managing Director,
Corporate Office, Block 1, Neyveli 607801

(R-3 Impleaded vide order dated 25.09.2023
in WMP No.27409/2023) : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to implement the provisions of Chapters VI and VII of the Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017 as well as Section 45 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



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For the Petitioner : Mr.M.Radhakrishnan
For Respondents 1 & 2 : Mr.P.Muthukumar,
State Government Pleader
For Respondent No.3 : Mr.N.Nithyanandan

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Radhakrishnan, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader for respondents 1 and 2 and Mr.N.Nithyanandan, learned counsel for the third respondent.

2. The petitioner seeks directions against the respondents to implement the provisions of Chapters VI and VII of the Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017 (for short, “the Rules of 2017”) as well as Section 45 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, “the Act of 2013”).

3. Mr.M.Radhakrishnan, learned counsel for the petitioner submits that in view of Section 105 of the Act of 2013, the respondents are bound to implement Chapters VI and VII of the Rules of 2017. The respondents have miserably failed



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to implement the same. Chapters VI and VII of the Rules of 2017 are beneficial for the claimants and such beneficial provisions have to be implemented in its true letter and spirit. The learned counsel referred to Sections 45 and 105 of the Act of 2013.

4. The learned counsel for the respondents referred to the Tamil Nadu Land Acquisition (Revival of Operation, Amendment and Validation) Act, 2019 and submitted that the said Amendment and Validation Act, 2019 has been upheld by the Apex Court.

5. The Amendment and Validation Act, 2019 is not the subject-matter of challenge before this Court. The provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 shall apply except the provisions relating to the determination of compensation. Section 6(3) of the Amendment and Validation Act, 2019 further states that the provisions relating to the determination of compensation as specified in the First Schedule, rehabilitation and resettlement as specified in the Second Schedule and infrastructure amenities as specified in the Third Schedule to the Act of 2013 shall apply to the land acquisition proceedings under the Act of 1997. However, it does not specify application of Chapter VI and VII of the Rules of 2017 and/or Section 45 of the Act of 2013.



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6. As observed above, the Amendment and Validation Act of 2019 is not the subject-matter of consideration before us. The provisions of the said Act will have to be read as it is. There is no challenge to the provisions of the Act of 2019.

7. There is nothing on record to substantiate that the provisions of the Amendment and Validation Act, 2019 are not adhered to or followed for acquisition purposes. In absence thereof, no orders can be passed in the matter.

8. In light of that, the writ petition is dismissed. There will be no order as to costs. Consequently, WMP No.24960 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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To

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- 3.The Chairman & Managing Director,
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