



WEB COPY



W.A.No.2734 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2734 of 2023

KALIAMOORTHY

Vs

.. Appellant

1. THE ADDITIONAL CHIEF SECRETARY
TO GOVERNMENT OF TAMIL NADU
Industries (MI.1) Department,
Fort St.George, Chennai – 01.
 2. The Commissioner of Land Administration
Chepauk, Chennai - 600 005.
 3. The Chairman and Managing Director
Tamil Nadu Industries Development Corporation(TIDCO),
No.19-A, Rukmini Lakshmipathy Road,
Egmore, Chennai – 08,
 4. The District Collector
Ariyalur District.
 5. The Special Tahsildar (LA)
Jayankondam Lignite Power Project (JLPP),
Jayankondam, Ariyalur District.
- .. Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent against the order dated 9.9.2022 passed by the learned Single Judge in



W.A.No.2734 of 2023

W.P.No.24221 of 2022.

WEB COPY

For the Appellant : Mr.T.P.Prabakaran
For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1, 2, 4 and 5

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.T.P.Prabakaran, learned counsel for the appellant; and Mr.P.Muthukumar, learned State Government Pleader for respondents 1, 2, 4 and 5.

2. The present appellant has filed a writ petition, bearing W.P.No.24221 of 2022, challenging the government order dated 2.6.2022 and seeking a consequential relief, i.e., compensation of Rs.25,30,000/- [Rupees twenty five lakh and thirty thousand only] towards damages on account of acquisition of the appellant's land. The learned Single Judge dismissed the writ petition.



W.A.No.2734 of 2023

WEB COPY

3. Learned counsel for the appellant submits that the land was acquired in the year 1999. The award was passed in the year 2001. A paltry amount of compensation was paid to the appellant. The appellant had filed a reference under Section 18 of the Land Acquisition Act, 1894. Now, after lapse of 21 years, the respondents are returning the land to the appellant. The respondents enjoyed the land of the appellant for 21 years and for that they are required to pay compensation to the appellant.

4. Learned State Government Pleader submits that the appellant was in possession of the land, though the land was acquired, and was enjoying the usufructs of the land.

5. It is not in dispute that the appellant was paid the compensation for the land acquired. The appellant also does not seriously dispute that possession remained with the appellant for all these years. The appellant was enjoying the usufructs of the



W.A.No.2734 of 2023

land.

6. The only contention of the appellant is that the rights of ownership were restricted, inasmuch as the appellant was not in a position to deal with the property in whatsoever manner. However, the appellant has received the compensation. He was enjoying the usufructs and now because the project could not be taken forward, the land is returned to the appellant free of all encumbrances for the appellant to use and enjoy the land. The respondents are also not claiming back the amount paid to the appellant pursuant to the award. The same is also retained by the appellant.

7. In the light of the factors such as: (i) the appellant has received the amount of compensation for the land acquired; (ii) though the land was acquired, the appellant was in possession of the said land and was enjoying the usufructs of the land; and (iii) the land is returned to the appellant free of all encumbrances



W.A.No.2734 of 2023

without seeking refund of the amount paid to the appellant, we do not find any error committed by the learned Single Judge while passing the impugned order.

8. The writ appeal is disposed of accordingly. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

10.10.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

1. THE ADDITIONAL CHIEF SECRETARY
TO GOVERNMENT OF TAMIL NADU
Industries (MI.1) Department,
Fort St.George, Chennai – 01.
2. The Commissioner of Land Administration
Chepauk, Chennai - 600 005.
3. The Chairman and Managing Director
Tamil Nadu Industries Development Corporation(TIDCO),
No.19-A, Rukmini Lakshmipathy Road,
Egmore, Chennai – 08,
4. The District Collector
Ariyalur District.
5. The Special Tahsildar (LA)
Jayankondam Lignite Power Project (JLPP),
Jayankondam, Ariyalur District.



WEB COPY



W.A.No.2734 of 2023

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

W.A.No.2734 of 2023

10.10.2023