



W.P.No.27111 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.27111 of 2024

B.Baskar

... Petitioner

Vs.

1. The Collector,
Office of the Collectorate,
Cuddalore District.
2. The Special Deputy Collector,
Land Acquisition,
Neyveli,
Cuddalore District.
3. The Special Tashildar-II,
Land Acquisition,
Neyveli Lignite Corporation Limited,
Cuddalore District.
4. The District Revenue Officer,
Cuddalore,
Cuddalore District.
5. The Neyveli Lignite Corporation Limited,
Represented by its Chairman,
No.135, EVR Periyar High Road,
Kilpauk,
Chennai – 600 010.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the Respondents to release the compensation amount in pursuance to the notice dated 07.08.2023 for the petitioner land situated at Mummudicholagam Village, Kammapuram, Viruthachalam comprised in S.Nos.138/5C, 138/5F and 138/5G to an extent of 3.6 Acres after conducting enquiry.

For Petitioner : Mr.M.Selvam
For R1 to R4 : Mr.A.Selvendran
Special Government Pleader
For R5 : Mr.N.Nithianandan

ORDER

This Writ Petition has been filed for a Mandamus to direct the Respondents to release the compensation amount in pursuance to the notice dated 07.08.2023 for the petitioner land situated at Mummudicholagam Village, Kammapuram, Viruthachalam comprised in S.Nos.138/5C, 138/5F and 138/5G to an extent of 3.6 Acres after conducting enquiry.



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2. The Petitioner's contention is that he had purchased a property measuring to an extent of 1.11 Acre and 1.19 Acre comprised in S.No.138/5G and S.No.138/5F at Mummudicholagan Village, Kammapuram, Viruthachalam Taluk under a registered Sale Deed dated 09.04.2003 from one Balasubramaniam. He had also purchased an extent of 1.1 Acre and 1.00 Acre comprised in S.No.138/5C and S.No.137/4B respectively situated in the very same village from the said Balasubramaniam under a registered Sale Deed dated 24.03.2004. The Petitioner was therefore in possession and enjoyment of the total extent of 3.6 Acres in S.Nos.138/5C, 138/5F and 138/5G and 137/4B as well. The properties comprised in S.Nos.138/5C, 138/5F and 138/5G measuring to an extent of 3.6 Acres were acquired under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 'hereinafter referred to as the Act'.

3. A sum of Rs.6,20,832/- was awarded under Award No.12 of 2013. This amount was towards the acquisition of the lands measuring an extent of 3.6 Acres in S.Nos.138/5C, 138/5F and 138/5G, thereafter the Petitioner and the other land holders has demanded an enhanced compensation and a meeting was convened by the Chief Secretary to the Government of Tamil Nadu, pursuant to which the 3rd Respondent has issued notice dated



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07.08.2023 calling upon the Petitioner to receive an enhanced compensation.

The Petitioner had submitted the documents relating to S.Nos.138/5C, 138/5F and 138/5G. On the receipt of the above Sale Deeds, the 3rd Respondent informed the Petitioner that they had received objections from his brother towards the release of the above amounts and that the compensation could not be released to him.

4. Heard the learned counsel on either side.

5. The documents under which the properties have been purchased clearly indicates that the property has been purchased by the Petitioner and the same is a self acquired property. It is also to be noted that the compensation for a sum of Rs.6,20,832/- under Award No.12 of 2013 dated 20.09.2013 had been passed in favour of the Petitioner and at that point of time the 3rd Respondent had not made any objection and original documents have all been furnished by the Petitioner.

6. Taking note of the fact that the Petitioner's brother had not obtained any orders from the Court and has simply submitted an objection letter, the



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Respondents cannot deprive the Petitioner from obtaining the compensation which is rightly due to him by virtue of the Sale Deeds standing in his name.

Therefore, the Writ Petition is allowed by directing the Respondents to disburse the Award amount to the Petitioner within a period of two (2) weeks from the date of receipt of a copy of this Order. No costs.

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Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm

P.T.ASHA, J.

rgm

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