IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM

THE HONOURABLE Mr. JUSTICE G.K. ILANTHIRAIYAN

W.P.No.11309 of 2019

1.A.John
2.J.Vincent Thirumaran
3.A.Maria Anthuvan

... Petitioners

Vs.

1.The State of Tamil Nadu
rep. by its Secretary,
Industries (MIA.II) Department,
St.Fort George, Chennai-600009.

2.The State of Tamilnadu
rep. by its Secretary,
Revenue (nee mu 4(2) Department,
St.Fort George, Chennai-600009.

3.The Principal Secretary and
Commissioner of land administration,
Ezhilagam, Chepauk, Chennai-600 005.

4.The Assistant Collector/ Revenue Divisional Officer,
Chidambaram Revenue Circle,
Chidambaram, Cuddalore District.

5.The District Revenue Officer
Cuddalore, Cudddalore District.

6.The Special Deputy Collector
(Land Acquisition)
NLC India, Neyveli-2,
Cudddalore District - 607802.

7.The Special Tasildar
Natham Land Revenue Scheme,
Chidambaram Taluk, Cudddalore District.

8.The Tasildar
Chidambaram, Cudddalore District.

9.The Tasildar
Bhuvanagiri Taluk,
Cudddalore District.

10.The NLC India Limited
rep. by its General Manager, (LA and RR),
Neyveli-607 807, Cudddalore District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the entire records pertaining to the G.O.(phase) No.694 dated 19.12.2005 of the 2nd respondent so far as the petitioner's land in old R.S.No.60/3 in Valayamadevi Village, Chidambaram Taluk now Bhuvanagiri Taluk comprised in natham UDR patta Nos.708, 709, 710 in New R.S.Nos. as 60/8, 60/9, 60/10 totally measuring an extent of 557, 761, 881 Sq.M. and consequential proceedings of the 5th respondent in Na.Ka.V3/16590/2013 dated 06.08.2013 and quash the same in view of the factual findings of the 5th respondent vide his proceedings in Na.Ka.V3/44333/2010 dated 27.06.2013 consequently direct the Respondents herein to initiate proceedings for acquisition and determination of compensation under the provision of the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement act, 2013 in the light of ratio laid down by the Hon'ble Supreme Court of India in 1.Tukara Kana Joshi and others -Vs- M.I.D.C and others Reported in LNIND 2012 SC 704, 2. Executive engineer, Nandur, M. Canal -Vs- Vilas Eknath Jadhav and others reported in CDJ 2013 SC 444 and 3. K. Krishna Reddy & Ors. v. The Special Dy. Collector, Land Acquisition Unit II, LMD Karimnagar, Andhra Pradesh, reported AIR 1988 SC 2123 for the petitioners land's comprised in old R.S.No.60/3 in Valayamadevi village, Chidambaram Taluk Bhuvanagiri Taluk comprised in natham UDR patta No's. 708, 709, 710 in New R.S.Nos. as 60/8, 60/9, 60/10 totally measuring an extent of 540.95 Cents and pay to the Petitioner the compensation and pass such further or other orders as may be deemed fit and proper in the circumstances of the now case and render justice.

For Petitioner	: Mr.R.Selvakumar
For Respondents	: Mr.D.Ravichander, Spl. GP, for R.1 to R.9. : Mr.N.Nithianandan for R.10.

<u>O R D E R</u>

This Writ Petition has been filed challenging the GO.(phase).No.694 dated 19.12.2005 issued by the 2nd respondent and the consequential proceedings of the 5th respondent dated 06.08.2013.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The land comprised in RS.No.60/09, Old RS.No.60/3 in Valayamaevi Kizpathi Village, Chidambaram Taluk, now Bhuvanagiri Taluk measuring to an extent of 761 Sq.mts. and the land comprised in RS.No.60/3 in Old RS.No.60/3 to an extent of 557 sq.mts. and the land comprised in RS.No.60/8 in Old RS.No.60/3 to an extent of 881 Sq.mts. are classified as Gramanatham. According to the petitioners, the above-said properties were purchased by them in the year 1983. Thereafter, they had put up huts in the subject land and they were in possession and enjoyment of the same. In the year 1993, in respect of the subject property, UDR patta were issued in favour of the petitioners.

4. While being so, the 4th respondent cancelled the patta issued in favour of the petitioners. It was challenged before this Court in WP.No.13820 of 2004. This Court by order dated 12.05.2004 directed the 4th respondent to conduct an enquiry and pass orders in accordance with law. Thereafter, the 4th respondent after due enquiry passed an order dated 12.08.2004 thereby cancelled the Natham Settlement Rough Pattas issued

in favour of the petitioners. Aggrieved by the same, the petitioners preferred an appeal before the 5th respondent. The 5th respondent by an order dated 28.04.2006 allowed the appeal and directed the 4th respondent to conduct an enquiry in respect of the possession of the subject property and also directed to restore patta in favour of the petitioners in case of confirmation of occupation.

5. Thereafter, the 4th respondent conducted a detailed enquiry and by order dated 11.09.2009 concluded that the petitioners were entitled for 10 cents of land each in the subject lands as the same were purchased by them under a registered deed. It was challenged before this Court in WP.No.729/2010. As directed by this Court, once again, the petitioners preferred an appeal before the 5th respondent as against the order passed by the 4th respondent. The 5th respondent conducted a detailed enquiry and allowed the appeal filed by the petitioners by an order dated 27.06.2013 and thereby restored the rough patta (Thoraiya Patta) which were granted in the year 1993 in favour of the petitioners. Consequently, in the review filed by the 10th respondent, the 5th respondent recalled the order dated 27.06.2013 and cancelled the rough patta issued in favour of the petitioners by order dated 02.08.2013 on the basis of GO.(phase).No.694 dated

19.12.2005. Now, the order passed by the 5th respondent dated 03.08.2013 and the Government Order issued by the 2nd respondent in GO.(phase).No.694 dated 19.12.2005 are under challenge in this Writ Petition.

6. On perusal of the counter filed by the 2nd , 5th and 10th respondents and also on the submissions made by the respective counsels revealed that the subject land along with the other lands were allotted in favour of the 10th respondent by way of GO.(phase).No.694 dated 19.12.2005. The above Government Order was passed after cancellation of rough patta issued in favour of the petitioners in respect of the subject land. When it was came to the knowledge of the petitioners, the petitioners challenged the cancellation of rough patta before this Court in WP.No.13820 of 2004. It was allowed and once again the matter is remanded back to the 4th respondent for fresh consideration. The 4th respondent conducted a detailed enquiry and cancelled the rough patta issued in favour of the petitioners. Thereafter, the subject lands were allotted in favour of the 10th respondent on payment of double the cost of market value of the subject land. The petitioners, being aggrieved by the order of the 4th respondent, preferred an appeal before the 5th respondent.

By an order dated 28.04.2006, the 5th respondent set aside the order passed by the 4th respondent and once again directed the 4th respondent to conduct an investigation regarding the possession of the subject property. The 4th respondent concluded the investigation and directed to issue rough patta to the petitioners to an extent of 10 cents each in the subject property. Once again, the petitioner filed an appeal as against the order passed by the 4th respondent before the 5th respondent. After a detailed enquiry, the 5th respondent set aside the order passed by the 4th respondent by an order dated 27.06.2013. However, the petitioners failed to mention about the allotment of land in favour of the 10th respondent by way of GO.(phase).No.694 dated 19.12.2005. Therefore, the 10th respondent herein filed a revision before the 5th respondent. The 5th respondent without even ordering any notice to the petitioners, recalled the earlier order dated 27.06.2013 and dismissed the appeal filed by the petitioners by an order dated 03.08.2013. Now, the order passed by the 5th respondent dated 03.08.2013 and the Government Order issued by the 2nd respondent in GO.694 dated 19.12.2005 are under challenge in this Writ Petition.

7. The learned counsel for the 10th respondent submitted that they had paid double the market value of the subject land to the 2nd respondent,

and that the land has now been utilized for the purpose for which it was purchased by the 10th respondent. Therefore, the question of restoration of the subject land does not arise. It is further submitted that, the 10th respondent may be directed to pay compensation for the land purchased by them.

8 The land was allotted in favour of the 10th respondent upon payment of double the market value of the subject property. The land was valued at Rs.2,07,480/- per hectare. Accordingly, the approximate value of the subject property to an extent of 5 cents was Rs.50,000/- at the time of allotment in favour of the 10th respondent. The 10th respondent, being the beneficiary of the allotment, is liable to pay compensation to the petitioners in view of the cancellation of the rough patta issued in their favour. Therefore, the petitioners are entitled only to compensation for the land that was allotted to the 10th respondent pursuant to the cancellation of the rough patta issued in favour of the petitioners.

9. In view of the above, the 10th respondent is directed to pay a sum of Rs.50,000/- as compensation to the petitioners for the subject land, together with interest at the rate of 6% per annum from the date of

allotment, i.e., 19.12.2005, till the date of payment. The said payment shall be made within a period of 4 weeks from the date of receipt of a copy of this order.

10. With the above directions, this Writ Petition is disposed of. No costs.

09.10.2025

Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No
(shr)

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G.K. ILANTHIRAIYAN. J.,

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