



WEB COPY



WP.No.25980 of 2023

In the High Court of Judicature at Madras

Reserved on 06.3.2025	Delivered on : 14.3.2025
---------------------------------	------------------------------------

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.25980 of 2023

K.Vasantha

...Petitioner

Vs

1.The State of Tamil Nadu, rep.
by its Secretary, Industries
Department, Fort St.George,
Chennai.

2.The District Collector,
Cuddalore District.

3.The Special Tahsildar No.3,
Land Acquisition, Neyveli-2.

4.The Special Deputy Collector,
NLC India Ltd., Neyveli-2.

5.NLC India Ltd., rep.by its
Chairman, office of the
General Manager, Land
Acquisition and R & R
Department, Neyveli.
607807.

...Respondents



WEB COPY



WP.No.25980 of 2023



WP.No.25980 of 2023

WEB COPY

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records with regard to the order passed by the Special Tahsildar - the third respondent in Na.Ka.Aa/91/2019 dated 03.3.2022, quash the same as illegal and consequently direct the respondents 3 and 4 to grant compensation for the petitioner's lands allotted vide DKT.No. 56/13/86 dated 18.10.1972 comprised in S.No.57/1 - 0.94 cents, in S.No.57/2 - 0.95 cents and in S.No.57/3, 0.97 cents, a total extent of 2 acres 86 cents at Aziz Nagar, Virudhachalam Taluk, Cuddalore District allotted to the petitioner's husband Mr.Kejiraiylu towards the land acquisition for the NLC - the fifth respondent.

For Petitioner	:	Mr.M.Velmurugan
For R1 to R4	:	Mr.M.R.Gokul Krishnan, AGP
For R5	:	Mr.Nithianandam
		Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings of the fourth respondent dated 03.3.2022 and for a consequential direction to respondents 3 and 4 to pay compensation to the petitioner towards the lands comprised in S.No.57/1 measuring 0.94 cents, in



WP.No.25980 of 2023

WEB COPY

S.No.57/2 measuring 0.95 cents and in S.No.57/3 measuring 0.97 cents, in total, an extent of 2 acres 86 cents at Aziz Nagar, Virudhachalam Taluk, Cuddalore District, which were acquired for the fifth respondent.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for respondents 1 to 4 and the learned Standing Counsel appearing for the fifth respondent.

3. The case of the petitioner is as follows :

(i) The petitioner's husband - one Mr.Kejirayalu was an ex-service man, who participated in 1971 Indo-Pak war. Due to the injuries sustained by him in the war, he was relieved from service. In the year 1972, the Government of Tamil Nadu assigned the subject properties in the name of the petitioner's husband. However, in the year 1992, the fifth respondent issued a Notification for acquiring certain lands including the subject properties. Aggrieved by such Notification, one Mr.Abdul Jaffar and five others filed W.P.No.1677 of 1992 before this Court seeking for payment of compensation. The said writ petition was disposed of on 14.10.1996 directing the fifth



WP.No.25980 of 2023

WEB COPY

respondent to pay compensation for the lands acquired.

(ii) However, the compensation amount was not paid. Instead, the fifth respondent offered job opportunity for one of the petitioner's sons. Parallely, the Special Tahsildar, Neyveli passed an award by directing the fifth respondent to pay compensation for the lands acquired. Even thereafter, as the compensation was not paid, the petitioner's husband filed W.P.No.29906 of 2002 before this Court seeking to direct the respondents therein to pay compensation in respect of the subject properties. W.P.No.29906 of 2002 came to be disposed of on 13.12.2006 wherein the relevant portions are extracted as hereunder :

"7. It has been further stated that originally an extent of 2 acres and 86 cents in survey Nos. 57/1, 57/2 and 57/3 at Aziz Nagar, Vridhachalam Taluk, Cuddalore District were assigned to Kullammal and Sellan, Son of Malayan. The petitioner is neither the owner nor the assignee of the properties and has no locus standi to maintain the present writ petition. Further, an amount of Rs.3,000/- per acre was paid in the year 1984 to the original assignees, but the present writ petitioner has come before this Court after 18 years of such payment had been made. The lands in question, being Government poramboke lands on



WEB COPY



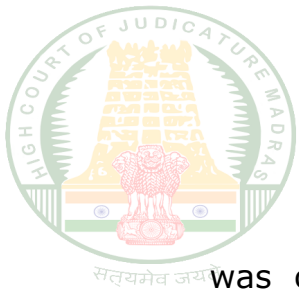
WP.No.25980 of 2023

conditional assignment, were resumed to meet the requirement of Neyveli Lignite Corporation Limited and possession was given to the said Corporation in the year 1981. Since the lands belong to the Government of Tamil Nadu, no notification under Section 4(1) of the Land Acquisition Act, 1894, was issued.

8. At the stage of the hearing of the writ petition, it was submitted by the learned counsel appearing on behalf of the petitioner that it would suffice if the petitioner is permitted to make a representation to the third respondent with regard to his claims and if a direction is given for disposal of the representation within a time frame.

9. On such submissions being made, the petitioner is permitted to make a representation before the third respondent regarding his claims within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the third respondent is directed to pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter, after giving an opportunity of personal hearing to the petitioner as well as the fourth respondent."

(iii) Pursuant to the said order dated 13.12.2006, a representation was made by the petitioner's husband and an inquiry

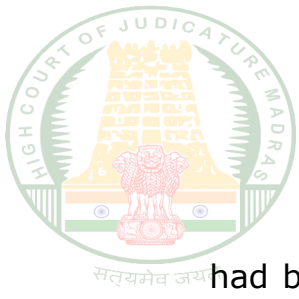


WP.No.25980 of 2023

was conducted by the third respondent. Even thereafter, the fifth respondent did not come forward to pay the compensation.

(iv) After prolonged illness, the petitioner's husband died on 12.6.2014. Thereafter, for nearly eight years, the petitioner was not able to follow up since her husband died and later, one of her sons also passed away in the year 2017. Once again, the petitioner made a representation dated 30.10.2018 to the third respondent seeking for payment of compensation. Based on that, the third respondent sent a communication dated 15.3.2019 to the second respondent recommending for payment of compensation. The petitioner also revived her request by sending a representation dated 21.8.2019 to the third respondent. In the meantime, an inquiry was initiated and conducted by the third respondent, in which, the fifth respondent took a stand that only an ex-gratia payment could be paid to the petitioner. The third respondent also sent a communication dated 05.9.2019 to the fourth respondent stating that the recommendations were already sent to the second respondent vide proceedings dated 15.3.2019. Thereafter also, there was no progress.

(v) Hence, the petitioner made a representation dated 17.3.2021 dated to the second respondent seeking to pay compensation. As there



WP.No.25980 of 2023

WEB COPY

had been non response, the petitioner was constrained to file W.P.No. 23193 of 2021 before this Court and it was disposed of by order dated 28.10.2021 directing the respondents to consider the representation of the petitioner dated 17.3.2021 based on the proceedings of the third respondent dated 05.9.2019 sent to the fourth respondent and take a decision within 12 weeks. As a consequence, the fourth respondent, vide the impugned proceedings dated 03.3.2022, rejected the claim made by the petitioner and directed only the ex-gratia payment to be made by the fifth respondent to the petitioner. Not satisfied with that, the petitioner has come forward with this writ petition.

4. The fourth respondent filed a counter for himself and on behalf of respondents 1 to 3. The fifth respondent also filed a separate counter affidavit.

5. In the counter affidavit filed by respondents 1 to 4, the stand taken is that the assignment made in favour of the petitioner's husband in respect of the subject properties was a conditional assignment, that the Government had the power to resume the lands at any point of time, that for the lands that were utilized by the fifth



WP.No.25980 of 2023

WEB COPY

respondent, the petitioner is not entitled to payment of compensation and that therefore, the ex-gratia amount was directed to be paid to the petitioner and others.

6. In the counter filed by the fifth respondent, they took the following stand :

The claim made by the petitioner's husband was already rejected by the third respondent vide proceedings dated 08.3.2010 and it was never put to challenge by the petitioner's husband. After the demise of her husband, the petitioner once again revived the claim in the year 2018. After prolonged litigation, based on the directions issued by this Court, the fourth respondent considered the entire materials, came to the conclusion that only the ex-gratia payment could be made and passed the impugned order. There was no question of payment of compensation since the subject properties belonged to the Government and only a conditional assignment was made in favour of the petitioner's husband. Accordingly, they sought for dismissal of the writ petition.



WP.No.25980 of 2023

WEB COPY

7. When the matter came up for hearing on 04.2.2025, this Court passed the following order :

*"The issue involved in the present writ petition pertains to the payment of compensation for the land acquired by NLC. The compensation has been denied to the petitioner on the ground that there was a conditional assignment of land in favour of the petitioner and therefore the petitioner will not be entitled for any compensation. The learned counsel for the petitioner relied upon the judgment of this Court in **R.Abdul Jabbar Vs. State of Tamil Nadu reported in 1996 2 CTC 719** where in a similar case which involved a subsequent purchaser from an assignee, this Court held that the subsequent purchaser will be entitled for payment of compensation. That was a case where such purchase of property was in violation of condition of assignment. The learned counsel for the petitioner submitted that the petitioner is in a better footing than the petitioner whose right was dealt with in the judgment cited supra.*

2. The learned Standing Counsel appearing on behalf of the 5th respondent seeks for time to file counter in this case. Post this case finally on 18.02.2025."



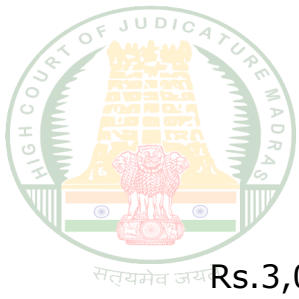
WP.No.25980 of 2023

WEB COPY

8. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

9. It is not in controversy that the petitioner's husband was granted a conditional assignment in respect of the subject properties since he was an ex-service man. As per one of the assignment conditions, the Government had retained its power to resume the subject properties at any point of time. Pursuant to acquisition for the fifth respondent, the petitioner's husband started claiming the compensation amount. He also filed W.P.No.29906 of 2002 before this Court and even while dealing with it, in the order dated 13.12.2006, this Court had taken into consideration the fact that the subject properties were assigned to the said Ms.Kullammal and the said Mr.Sellan, S/O Malayan and that therefore, the petitioner's husband was not the owner of the subject properties in his capacity as the assignee.

10. That apart, while passing the said order dated 13.12.2006, this Court had also taken into consideration the fact that a sum of



WP.No.25980 of 2023

WEB COPY

Rs.3,000/- per acre was paid in the year 1984 to the original assignees. It must be kept in mind that the acquisition took place as early as 1981. Even at that point of time, it was observed in the order dated 13.12.2006 that the petitioner's husband approached this Court nearly after 18 years subsequent to making payment to the original assignees. Despite that, this Court thought it fit to direct the third respondent to consider the representation that would be made by the petitioner and to take a decision within a time frame. It appears that three representations dated 05.2.2007, 16.3.2007 and 31.12.2007 were sent by the petitioner's husband to the third respondent.

11. During the first stage, the representation of the petitioner's husband dated 31.12.2007 was rejected by the third respondent vide proceedings dated 08.3.2010 mainly on the ground that no valid documents were available and that therefore, no compensation amount was payable. The petitioner's husband died on 12.6.2014 leaving behind the petitioner - his wife, two sons and a daughter. After four years, the petitioner made a fresh representation 30.10.2018 to the third respondent seeking for payment of compensation. On receipt of the same, vide communication dated 15.3.2019, the third



WP.No.25980 of 2023

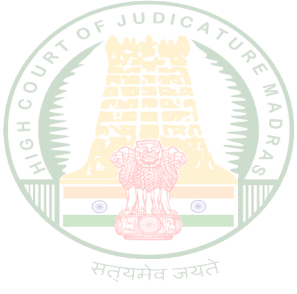
WEB COPY

respondent informed the second respondent through the fourth respondent that the said Mrs.Kullammal and the said Mr.Sellan, S/O Malayan had nothing to do with the subject properties based on the report of the Tahsildar, Vridhachalam dated 03.11.2009 and that no documents/revenue records stood in the names of the said Mrs. Kullammal and the said Mr.Sellan, S/O Malayan and ultimately recommended for the consideration of the claim made by the petitioner for payment of compensation.

12. As a follow up action, an inquiry was conducted and the third respondent, through the communication dated 05.9.2019, informed the fourth respondent as follows :

"மனுதாரர் ஆஜர் செய்துள்ள
ஆவணங்களை பரிசீலனை செய்யப்பட்டதில்
வழக்கில் தொடர்புள்ள புலன்கள் திரு.கெஜிராயலு
த/பெ.குப்புசாமி என்பவருக்குத்தான் இறுதியாக
ஒப்படை செய்யப்பட்டது உறுதியாகிறது என்பதால்
நில எடுப்பு சட்டத்தின் கீழ் நடவடிக்கை
மேற்கொள்ள மாவட்ட ஆட்சியர் அவர்களின்
கவனத்திற்கு கொண்டு செல்லலாம் என்றும்
பார்வை 9-ல் காணும் இவ்வலுவலக கடிதம் மூலம்
அறிக்கை அனுப்பப்பட்டுள்ளது.

ஆனால் தற்போது என்.எல்.சி இந்தியா



WEB COPY



WP.No.25980 of 2023

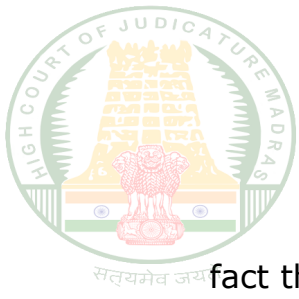
நிறுவனம் பார்வை 12-ல் காணும் கடிதத்தில்
கூறியுள்ள கருத்துகள் முரண்பாடாக உள்ளது
என்பதை பணிவுடன் தெரிவித்துக் கொள்கிறேன்."

13. The above report was not acted upon and the petitioner once again came before this Court and filed W.P.No.23193 of 2021, which was disposed of on 28.10.2021 directing the respondents to pass orders on the representation made by the petitioner dated 17.3.2021.

14. The impugned order has been passed by the fourth respondent mainly on the ground that the petitioner's husband was only given a conditional assignment, that no compensation was payable and that at the best, only the ex-gratia payment has to be made by the fifth respondent to the petitioner.

15. The judgment in the case of **R.Abdul Jabbar** that was relied upon by the learned counsel for the petitioner is a case where the land acquisition proceedings were initiated under the Land Acquisition Act, 1894 and the purchaser from the assignee sought for compensation. This Court had directed the payment of compensation to the purchaser from the assignee. This direction was given after taking note of the

14/17



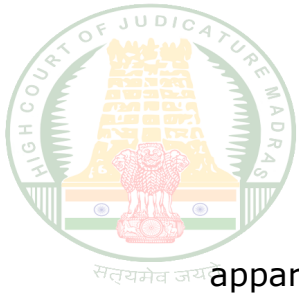
WP.No.25980 of 2023

WEB COPY

fact that there was a violation of the conditions of assignment.

16. In the case in hand, it is now confirmed by the materials placed before this Court that the subject properties were actually assigned only in favour of the petitioner's husband and that somebody else had claimed the compensation and taken it away in the year 1984. The petitioner's husband had knocked the doors of this Court only in the year 2002 nearly after 18 years the compensation amount was paid. The petitioner's husband died in 2014. The petitioner revived the claim in the year 2018. Further, the present writ petition is finally heard in the year 2025.

17. Thus, the claim for compensation for the lands utilized by the fifth respondent in the year 1981 has been kept alive for more than 44 years. Therefore, the impugned proceedings of the fourth respondent dated 03.3.2022 cannot be held to be illegal. The fourth respondent had taken into account the fact that the compensation was paid to the claimants in the year 1984 and that at the best, considering the facts of the case, only the ex-gratia amount can be paid to the petitioner. The said finding does not suffer from any illegality or error of law



WP.No.25980 of 2023

WEB COPY

apparent on the face of the order. Taking into consideration the facts and circumstances of the case and materials placed before this Court and in order to render substantial justice to the petitioner, this Court quantifies the ex-gratia amount as Rs.75,000/- (Rupees seventy five thousand only) payable by the fifth respondent to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

18. The writ petition is disposed of in the above terms. No costs.

14.3.2025

To

- 1.The Secretary to Government
of Tamil Nadu, Industries
Department, Fort St.George,
Chennai.
- 2.The District Collector,
Cuddalore District.
- 3.The Special Tahsildar No.3,
Land Acquisition, Neyveli-2.
- 4.The Special Deputy Collector,
NLC India Ltd., Neyveli-2.

RS



WEB COPY



WP.No.25980 of 2023

N.ANAND VENKATESH,J

RS

W.P.No.25980 of 2023

14.3.2025