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A.S. No.410



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-03-2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
And
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

A.S. No.410 of 2016
and C.M.P. Nos.9818 and 9819 of 2016

The Chairman,
Neyveli Lignite Corporation Limited,
Neyveli.

... Appellant/ 3rd Respondent

-VS-

1. Kuppusamy

... 1st Respondent/ Petitioner/ Claimant

2. The Special Tahsildar (land Acquisition)
Jayamkondam Lignite Power Project,
Jayamkondam.

... 2nd Respondent/ 1st Respondent

3. The Executive Director,
Tamil Nadu Industrial Development
Corporation (TIDCO),
Egmore, Chennai – 600 008.

... 3rd Respondent/ 2nd Respondent

Prayer: First Appeal filed under Section 54 of L.A. Act, 1894 to set aside the Common Judgment and Decree dated 29.01.2013 passed in L.A.O.P. No.761 of 2008 on the file of the Special Court No.I, Jayamkondam.

For Appellant	:	Mr. N. Nithianandam
For R1	:	No Appearance
For R2	:	Mr. M. Murali (Government Advocate)



For R3

: Mr. Abishek Murthy
(Standing Counsel for TIDCO)

JUDGMENT***[Order of the Court was made by K. RAJASEKAR, J.]***

This appeal has been filed by the third respondent in the Land Acquisition Original Petition, challenging the enhancement of compensation awarded for the lands, which belongs to the first respondent herein, who is the claimant in the Original Petition, by a judgment and decree dated 29.01.2013 passed in L.A.O.P. No.761 of 2008 on the file of the Special Court No.I, Jayamkondam.

2. Though in this appeal, several grounds were raised by the appellant, challenging the award passed by the Land Acquisition Tribunal, in which the compensation was enhanced to Rs.26,81,178/-, the main contention of the appellant is that, the land of the first respondent herein was acquired for a Power project at the biggest of TIDCO and the appellant herein is not an acquisition body and he is no liable to satisfy the award.

3. In the batch of appeal suits, already filed before this Court by the appellant herein (A.S.No.309 of 2016 & etc., batch), challenging the common order



passed by the Special Court, Jayamkondam, was already been allowed by the learned Single Judge of this Court, (vide common judgment dated 20.12.2019), by following the common judgment dated 27.08.2015, passed by a Division Bench of this Court in the batch of appeal suits in A.S.No.233 of 2015 & etc., (batch). It was observed that, the appellant herein does not have any liability to pay the compensation to the first respondent therein. The relevant paragraphs of the judgment dated 20.12.2019 passed by the learned Single Judge of this Court in batch of appeal suits in A.S.Nos.309 to 313, 315, 316, 406, 407, 408 of 2016 and 1004 of 2019 are extracted hereunder:

“2.

21. We have carefully considered the above submissions. Under Section 19(1) of the Act, the State of Tamil Nadu inserted clause (bb), which made it mandatory for the impleadment of the third parties, if the acquisition was not for the Government. Similarly, by the Amendment Act 14/90, clause (d) was inserted under Section 20 to enable the Court to serve notice upon all the parties for the benefit of whom, the acquisition was made. These amendments were necessitated in view of a controversy that was prevailing at that time as to whether the requisitioning body would have a right to be heard in the matter of determination of compensation at all.

22. But the fact that NLC was a necessary party, is different from the question as to whether they have any liability to pay the compensation or not. NLC was not the requisitioning body when the project was contemplated. It was roped in half way through when the joint venture floated by the Government failed and after Reliance Industries Limited backed out, after participating in the international competitive bidding. A person,



who came to rescue the Government, cannot be made a victim. Therefore, the first contention of the learned counsel for the appellant deserves to be upheld.

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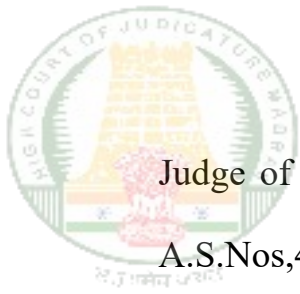
23. *In view of our finding that the appellant does not have any liability, the second question as to whether the quantum of compensation was correct or not is not answered by us."*

3. *In view of the fact that the issues raised in these appeals are no more less integral. The Judgment of the Hon'ble Division Bench is to be followed in respect of these appeals as cited supra. Accordingly, as far as the appellants are concerned, the Judgment and decree passed by the Special Court, Jayamkondam in the following L.A.O.Ps are set aside:*

L.A.O.P. Nos.	Dated	Special Court No.	In A.S. Nos.
L.A.O.P.No.2925/ 2008	31.01.2013	I	A.S.No.309/ 2016
L.A.O.P.No.3298/ 2008	31.01.2013	I	A.S.No.310/ 2016
L.A.O.P.No.3324/ 2008	31.01.2013	I	A.S.No.311/ 2016
L.A.O.P.No.3327/ 2008	31.01.2013	I	A.S.No.312/ 2016
L.A.O.P.No.3366/ 2008	31.01.2013	I	A.S.No.313/ 2016
L.A.O.P.No.726/ 2008	21.03.2013	I	A.S.No.315/ 2016
L.A.O.P.No.222/ 2008	28.03.2014	II	A.S.No.316/ 2016
L.A.O.P.No.678/ 2008	29.01.2013	I	A.S.No.406/ 2016
L.A.O.P.No.739/ 2008	29.01.2013	I	A.S.No.407/ 2016
L.A.O.P.No.745/ 2008	29.01.2013	I	A.S.No.408/ 2016
L.A.O.P.No.1329/ 2008	29.01.2013	I	A.S.No.1004/ 2019

4. *The appellant in these First Appeals is permitted to withdraw the amount, if any deposited, at the time of admission of the First Appeal along with the interest accrued. Consequently, all the First Appeals stand allowed. No costs. The connected miscellaneous petitions are closed."*

5. The above judgment dated 20.12.2019 passed by the learned Single



Judge of this Court reveals that, the appellant herein had already filed appeals in A.S.Nos,406, 407 and 408 of 2016, challenging the common judgment and decree passed by the Special Court, Jayamkondam in L.A.O.P. Nos.678, 739 and 745 of 2008, which were allowed by this Court, hence the very same finding and reasoning is applicable to this appeal also. Therefore, we are of the view that this appeal is liable to be allowed, as per the terms observed and the appellant herein does not have any liability to satisfy the award impugned herein.

6. In the result, this appeal is allowed. Consequently, connected civil miscellaneous petitions stand closed. However, there shall be no order as to costs.

(C.V. KARTHIKEYAN, J.) (K.RAJASEKAR,

J.)

02-03-2026

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

stn

C.V. KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.

stn

To



A.S. No.410



1. The Special Tahsildar (land Acquisition)
Jayamkondam Lignite Power Project,
Jayamkondam.
2. The Executive Director,
Tamil Nadu Industrial Development Corporation (TIDCO),
Egmore, Chennai – 600 008.
3. The Section Officer,
V.R. Section,
High Court of Madras.

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