

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2013

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

Writ Petition No.6818 of 2008

G.Vaithilingam

.. Petitioner

Versus

1. The Special Deputy Tahsildar  
Land Acquisition  
Neyveli-2,  
Cuddalore District.
  2. The Special Tahsildar  
Land Acquisition  
Neyveli,  
Cuddalore District.
  3. The Chairman  
Neyveli Lignite Corporation Ltd.,  
Neyveli  
Cuddalore District.
- .. Respondents

Writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to pay adequate compensation to the petitioner for acquisition of his Punja lands admeasuring 1.98 acres comprised in Block No.30, R.S.No.90/4, Periyakurichi Village, Virudachalam Taluk.

For Petitioner : Mr.Ilanthirayan  
for

M/s. Sai, Bharath & Ilan

For Respondents 1 & 2: Mr.R.Vijayakumar  
Additional Government Pleader

For Respondent - 3 : Mr.N.Nithianandam

ORDER

This Writ Petition has been filed by the petitioner G.Vaithilingam, who was one of the assignees of the land in question seeking issuance of a Writ of Mandamus to direct the

respondents to pay adequate compensation to the petitioner for acquisition of his Punja lands ad-measuring 1.98 acres comprised in Block No.30, R.S.No.90/4, Periyakurichi Village, Virudachalam Taluk.

2. Learned counsel for the petitioner would submit that the land in question was assigned to the petitioner by assignment order dated 21.03.1970 and in respect of the land in question covered in Block No.30, R.S.No.90/4, Periyakurichi Village, Virudachalam Taluk, he has become absolute owner of the land. Subsequently, he was also issued with patta by Special Deputy Tahsildar (Land Assignment), Virudhachalam Taluk, on 21.03.1970. Thereafter, he was also paying kist and other dues in respect of the said land by putting up a house in the said land. Later on, he has also developed the land for personal cultivation by digging up a well after investing a huge amount of Rs.2,00,000/-. While so, in the year 1979, the petitioner was served with a notice under Rule 3A r/w. Section 55 of the Land Acquisition Act, stating that the notice under Section 4(1) of the Land Acquisition Act was already issued directing the petitioner to appear before the second respondent and submit the objections within a period of 15 days. At that stage, though the petitioner objected for acquisition of land, the respondents took up the land in the year 1985 and the petitioner, subsequently, was also informed that an appropriate award for payment of compensation would be passed in the due course. Thereafter, the petitioner was frequently visiting the respondents office with a request to pass award for receiving the compensation. By communication dated 17.08.2000, the second respondent informed the petitioner that the assignment was already cancelled, therefore, he was not entitled for compensation. It was also further stated that when the respondents have initiated Land Acquisition Proceedings to acquire the lands, they cannot without any notice cancelled the assignment itself. Therefore, he pleaded in law, they should grant compensation as per the judgment of this Court reported in 1996 TNLJ 515 and 2000 (3) CTC 285.

3. A detailed counter affidavit has been filed.

4. Heard both sides.

5. It is evident that the petitioner was one of the assignees of the land in question covered in Block No.30, R.S.No.90/4, Periyakurichi Village, Virudachalam Taluk, measuring 1.98 acres. When clause 22 of the assignment order dated 21.03.1970 issued by the Special Deputy Tahsildar clearly mentioned that the petitioner is not entitled to get compensation in the event any acquisition made in favour of Neyveli Lignite Corporation, then that will bind the petitioner. That apart, when the petitioner has accepted the condition mentioned in clause 22 of the assignment order issued by the Special Deputy Tahsildar in the year 1970, now asking compensation for the land acquired for expansion of Neyveli Lignite Corporation Project, is absolutely

improper. Therefore, this Court is not inclined to accept the prayer.

6. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

Sd/-  
Asst.Registrar

/True Copy/

Sub Asst.Registrar

mra

To

1. The Special Deputy Tahsildar  
Land Acquisition  
Neyveli,  
Cuddalore District.
2. The Special Tahsildar  
Land Acquisition  
Neyveli,  
Cuddalore District.
3. The Chairman  
Neyveli Lignite Corporation Ltd.,  
Neyveli  
Cuddalore District.

+1cc to M/s.Sai, Bhararath & Ilan, Advocate Sr 32429

MG (CO)  
km/13.8.

सत्यमेव जयते

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