

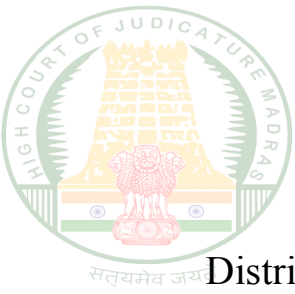
WP No.22745 of 2023

S.M.SUBRAMANIAM, J.

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The District Collector, Cuddalore District filed counter-affidavit stating that standing crops in the 264 Hectares of acquired land for which the compensation was duly paid from 2006 to 2013 will not be allowed to be disturbed by the fifth respondent before harvest. However, after harvest, the farmers, who cultivate the acquired land was to hand over the same to Neyveli Lignite Corporation. The said land utilised for cultivation by the landlosers must be handed over to the fifth respondent on or before 15th September, 2023 in order to avoid further law and order issues.

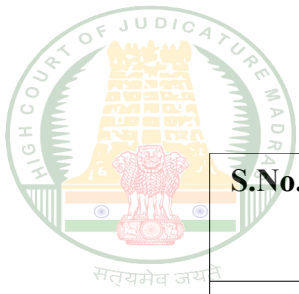
2. The District Collector states that no further cultivation shall be permitted beyond the harvest. It is further stated that compensation at the rate of Rs.30,000/- per acre will be paid by the fifth respondent to the concerned occupants whose standing crops were damaged during Paravanar Canal Diversion activities.



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3. In the context of the above counter-affidavit filed by the District Collector, the learned counsel for the petitioner contended that the standing crops are in advanced stage and nearing cultivation. Thus the loss quantified by the Government is inappropriate and far less than that of the notional value if fixed in respect of the standing crops. Accordingly, the learned counsel for the petitioner made a submission that Rs.80,000/- per acre would be reasonable.

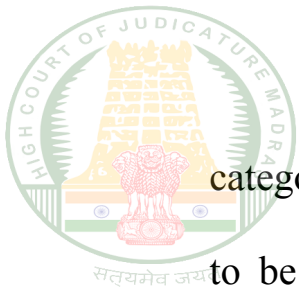
4. It is not in dispute that the subject lands were acquired by the Government by following the procedures as contemplated under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. The compensation determined by the Competent Authorities were already settled in favour of the landlosers. The details of the period of awards passed by the Land Acquisition Officer, extent of land acquired compensation paid to the landlosers and enhanced compensation paid and number of Awardees are tabulated as under:-



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S.No.	Period of Awards passed by LAO	Extent in Hectares	Compensation paid by LAO	Enhanced Compensation paid	No. of Awardees
1.	Awards passed between 2000 and 2005	77	1.45 Cr.	7.56 Cr.	301
2.	Awards passed between 2006 and 2013	104	5.13 Cr.	23.73 Cr.	382
3.	Awards passed between 2006 and 2013	83	3.09 Cr.	Yet to be paid	405
4.	Consent Awards passed from 2014 onwards @ the rate of Rs.25 Lakhs per Acre	338	Rs.181 Cr. Was paid to 844 Awardees for 294 Hectares. Balance extent of 44 Hectares to 137 Awardees is in the process of making payment		981

5. The learned Senior Counsel appearing on behalf of Neyveli Lignite Corporation made a submission that the erstwhile landowners have no authority and/or right to occupy and/or cultivate the said acquired lands belonging to the fifth respondent. For the category of lands in Serial No.1 an amount of Rs.6 lakhs; for the category of lands in Serial No.2 an amount of Rs.10 lakhs and for the



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category of lands in Serial No.3 an amount of Rs.14 lakhs was agreed to be paid by Neyveli Lignite Corporation as ex gratia without any legal compulsion over and above the statutory and enhanced compensation already paid to the erstwhile landowners for the acquired lands.

6. The learned counsel for the petitioner made a submission that in the subsequent meeting convened between Neyveli Lignite Corporation Administration and the landlosers, ex gratia compensation to be settled was enhanced to Rs.25 lakhs.

7. The learned Additional Advocate General appearing on behalf of the respondents 1 to 4, 6 and 7 made a submission that the Government is ready to settle the compensation for the damage caused to standing crops on account of the activities carried on by the fifth respondent. The said amount has already been paid by the fifth respondent in part and the balance will be paid to the account of the District Collector immediately.



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8. The learned Additional Advocate General further made a submission that in normal circumstances, if any damage caused to standing crops on account of nature's fury, the Government pays a sum of Rs.15,000/- and in the present case, the Government agreed to settle Rs.30,000/- per acre in respect of the damaged crops.

9. It is not in dispute between the parties that the subject lands were already acquired long back for the benefit of the fifth respondent. The compensation was settled and ex gratia payment agreed is to be settled in favour of the landlosers. Few Awardees have not received the compensation even though the said amount of compensation was deposited in the Court having jurisdiction.

10. Once the lands are acquired by following the procedures as contemplated under the Land Acquisition Act, the landowners cannot claim for any right over the property nor enter into the property and cultivate the same. Such an entry, if any, made is to be



construed as trespass.

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11. However, in the present case, the fifth respondent has not effectively prevented the erstwhile landowners from cultivating the land and it is brought to the notice of this Court that such cultivation activities are going on for the past many years. Thus a balanced approach is required in such circumstances, actions taken by the Government in formulating policies and it is on total revolution under various considerations, which is vested with the Government in taking up the action that the Court would have to decide whether the action of the Government is reasonable and in public interest.

12. In a recent judgment of the Hon'ble Supreme Court of India in the case of **Land and Building Department Through Secretary and Another vs. ATTRO Devi and Others [2023 LiveLaw (SC) 302]**, the Apex Court made the following observations:-

“When the State has acquired the land and award has been passed, land vests in the



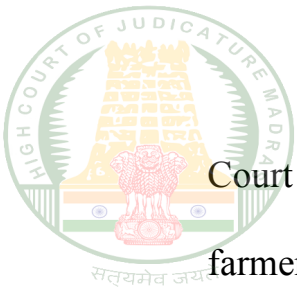
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State Government free from all encumbrances. The act of vesting of the land in the State is with possession, any person retaining the possession, thereafter, has to be treated as trespasser and has no right to possess the land which vests in the State free from all encumbrances.”

13. There is no dispute on the legal proposition that on the completion of the process of acquisition proceedings, the land absolutely vests with the Government and thereafter the erstwhile owners of the land has no right to enter into the property. However, in the present case, peculiarly cultivation is going on for many years and the farmers were also made to believe that it will take long time for the utilisation of the said land by Neyveli Lignite Corporation.

14. Under these circumstances, a test of reasonableness is to be adopted to strike a balance between the facts and the legal position and the fact that the fifth respondent in coordination with the State has come forward to pay compensation for the damages caused to standing crops. This



Court could form an opinion that the liability is to be fixed equally on the farmers who trespassed into the acquired land and also on the fifth respondent, who had not taken adequate care to prevent the farmers from cultivating the land for many years.

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15. Fundamental duties enumerated under Article 51-A of the Constitution of India, states that every citizen must be a law abiding person and therefore, once the lands are acquired, the erstwhile owner, as a dutiful citizen, is expected not to commit any trespass or otherwise, which is impermissible. The conscious of the erstwhile owners know that the land belonged to them were acquired and they have either received compensation or refused to receive compensation. The fifth respondent in coordination with the State Government agreed to pay ex gratia compensation over and above the compensation fixed under the Land Acquisition Act. Therefore, this Court thought fit that 50% liability for the damage caused to standing crops is to be fixed on the farmers side and 50% liability fixed on the side of Neyveli Lignite Corporation, who failed to take effective measures to prevent the farmers from cultivating the lands. The fifth respondent in coordination with the State Government has assessed that the damage



caused to the crops are relatable to 88 farmers and those farmers are entitled for the compensation now determined by this Court.

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16. Considering the fact that the petitioner has claimed Rs.80,000/- per acre and the respondents agreed to settle Rs.30,000/- per acre, this Court since fixed fifty-fifty liability for farmers and Neyveli Lignite Corporation has decided to fix Rs.40,000/- per acre, for the damages caused to standing crops, which would be reasonable and to mitigate the circumstances.

17. The learned Senior Counsel appearing on behalf of the fifth respondent, on instructions, made a submission that Neyveli Lignite Corporation agreed to settle the determined amount of Rs.40,000/- per acre in respect of standing crops damaged on account of their activities. Further, the respective learned Senior Counsel appearing on behalf of the fifth respondent and the learned Additional Advocate General, appearing on behalf of the Government of Tamil Nadu agreed to settle the said compensation, on or before 6th August, 2023.

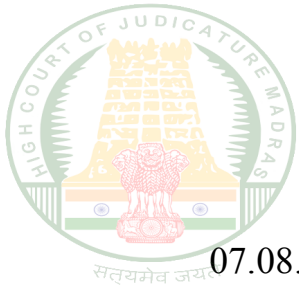


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18. The affected farmers/petitioners are at liberty to approach the Office of the Special Tahsildar-II, Land Acquisition, Neyveli Lignite Corporation Limited, who in turn in coordination with the Authorities of the Neyveli Lignite Corporation is directed to settle the compensation of Rs.40,000/- per acre for the crops damaged on account of Paravanar Canal Diversion activities.

19. The erstwhile landowners are directed not to carry on any further cultivation activities in the acquired lands after harvesting the existing crops on or before 15.09.2023. There should not be any further cultivation or otherwise and the Neyveli Lignite Corporation is entitled to guard the acquired lands in the manner known to law.

20. In the event of any Law and Order issues, the Government of Tamil Nadu is duty bound to initiate all appropriate actions and to maintain peace and tranquility in the locality.



21. Post the matter under the caption 'For Orders' on
07.08.2023.

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02-08-2023

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Note : Registry to issue order copy by today itself.



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VERDICTUM.IN

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