

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2015

CORAM

THE Hon'ble Mr.JUSTICE M. DURAISWAMY

W.P.No.33026 of 2014

Mayangammal @ Mayangathal
W/o Rangasamy Gounder,
rep by her Power Agent,
Rangasamy
S/o Muthusamy Gounder,
residing at
No.1/229 B, Kavin Garden,
Ooty Main Road,
II Bridge, Odenthurai,
Kallar Post,
Mettupalayam - 641305
Coimbatore District

..... Petitioner

vs

1. The District Collector,
Coimbatore District,
Coimbatore
2. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai-600 002
3. The Executive Engineer,
Bhavani Check Dam Hydro Electric Power House-2,
Karattumedu,
Mettupalayam

WEB COPY

4. The Additioinal Chief Engineer/Civil,
Hydro Electric Scheme,
No.955, E.V.N. Road,
Erode - 9

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondents to pay adequate compensation to the petitioner in respect of petitioner land coming under submergible area of the check dam raised for storage of water for generationi of Hydro Electric Power Generation Scheme across the Bhavani River at Mettupalayam in accordance with law.

For petitioner : Mr.G. Krishnakumar
For 1st respondent : Mr.R.M. Muthukumar
For respondents 2 to 4:Mr.S.K. Rameshwar

ORDER

The petitioner has filed the above writ petition seeking for issuance of a Writ of Mandamus to direct the respondents to pay adequate compensation to the petitioner in respect of petitioner's land, in SF No.458, Town Surevey No.9/3, Chikkadasampalayam Village in Patta No.1984, Mettupalayam Taluk, Coimbatore District, coming under submergible area of the check dam, raised for storage of water for generation of Hydro Electric Power Generation Scheme across the Bhavani River at Mettupalayam in accordance with law.

2. According to the petitioner, the Government of Tamil Nadu has proposed an Hydro Electric Power Generation Scheme at Mettupalayam, as such, a check dam was constructed within one kiilometer from the subject property. This was brought to the notice of the petitioner by the third respondent, by their Notice dated 18.7.2012, informing that since water is stored in the check dam for generating electric power, the subject property will be submerged and it is advisable to keep away from the subject property. In view of the same, the petitioner is not able to cultivate the subject property, which is the only source of income for the petitioner.

3. The Tamil Nadu Electricity Board initiated Acquisition Proceedings of the lands, which is adjacent to the subject property in view of the fact that those lands were also submerged once water

is stored in the check dam. The Tamil Nadu Electricity Board, after getting permission from the Tamil Nadu Government, had initiated in acquiring the lands, by purchasing the patta lands, by paying a sum of Rs.750/- per sq.ft and also paid Rs.25,000/- to those persons, who were in the Poramboke lands, as compensation.

4. In the counter filed by the respondents 2 to 4, in paragraph-2, they have stated that they are ready to pay compensation after finalising the land cost by the Revenue Department within a time frame fixed by this Court. Further, they have stated that the petitioner is entitled to claim compensation, which is to be fixed by the Revenue Department, in respect of submergible lands only.

5. They have also admitted the payment of Rs.750/-per sq.ft, as fixed by the Revenue Department, for residential patta land, as compensation. The respondents 2 to 4 have also stated that TANGEDCO has no authority to acquire any land and that TANGEDCO submits its requirement to the Government and the Government, in turn, order Revenue Department to acquire the requisite lands and hand over the same to TANGEDCO for generating power or whatsoever it may be in view of the welfare of the public. Further, the learned counsel for the respondents 2 to 4 have stated that TANGEDCO has no jurisdiction or power to fix any compensation for any land and if at all any compensation has to be claimed, it should be claimed through the Revenue Department only.

6. Mr.R.M. Muthukumar, learned Government Advocate submitted that the first respondent, the District Collector may be directed to fix the compensation and pay the same to the petitioner within a stipulated time.

7. Having regard to the submissions made by the learned counsel on either side, since the petitioner is entitled to the compensation for his land, which is acquired by the respondents for the purpose of Hydro Electric Power Generation Scheme, the first respondent is directed to fix the compensation within a period of eight weeks from the date of receipt of copy of this order and on fixation, the fourth respondent is directed to disburse the compensation amount to the petitioner within a period of eight weeks thereafter.

WEB COPY

8. With the above observation, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr
To

1. The District Collector,
Coimbatore District,
Coimbatore
2. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai-600 002
3. The Executive Engineer,
Bhavani Check Dam Hydro Electric Power House-2,
Karattumedu,
Mettupalayam
4. The Additioinal Chief Engineer/Civil,
Hydro Electric Scheme,
No.955, E.V.N. Road,
Erode - 9.

1 cc to Mr.S.K.Raameshuwar ,Advocate, SR.No.9175
1 cc to Government Pleader, Sr.No.9244
1 cc to Mr. G.Krishnakumar,Advocate, SR.No.9038

W.P.No.33026 of 2014

ksj(co)
pmk.23.2.2015

WEB COPY