

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2016

CORAM

THE HONOURABLE MR.JUSTICE.T.RAJA

W.P.No.41639 of 2016

Perumal

.. Petitioner

Vs.

- 1.The Principal Secretary to Government,
Energy Department,
Government of Tamilnadu,
Fort St.George, Chennai 600 009.
- 2.The Chairman,
Tamilnadu Electricity Board,
No.800, Anna Salai,
Chennai 600 002.
- 3.The Chief Engineer (Personal),
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai 600 002.
- 4.The Superintending Engineer,
Mettur Thermal Power Project,
Mettur, Metturdam 636 406,
Salem District.
- 5.The District Collector,
Salem District, Salem.

.. Respondents

Prayer.: Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to provide Alternative House site and other claims to petitioner as per the rehabilitation scheme formulated by the second respondent dated 24.08.2002 for the land/House site acquired for the purpose of Upper Ash Dyke area of Mettur Thermal Power Project, Mettur Dam, Salem District.

For Petitioner : Mr.M.R.Jothimanian
For R1 & R5 : Mr.M.Elumalai
Government Advocate.
For R2 to R4 : Mrs.R.Varalakshmi

ORDER

This writ petition has been filed by the petitioner directing the respondents to provide Alternative House site and other claims to petitioner as per the rehabilitation scheme formulated by the second respondent dated 24.08.2002 for the land/House site acquired for the purpose of Upper Ash Dyke area of Mettur Thermal Power Project, Mettur Dam, Salem District.

2. The learned counsel appearing for the petitioner would submit that the petitioner was the owner of land and house site in S.No.434/28, P.N.Patti Village, Mettur Taluk, Salem District measuring to an extent of 0.0123.0 sq.ft. The Special Tahsildar, Land Acquisition Mettur, Thermal Project, issued notice on 26.08.2002 under the Land Acquisition Act for acquiring the land to the Mettur Thermal Power Project and the same was acquired by the respondents for the purpose of upper Ash Dyke area of Mettur Thermal Power Project, Mettur Dam, Salem District. The petitioner was in possession and enjoyment of the said land. The respondents have given assurance to the petitioner and other land owners to provide compensation, alternative house site and employment to 358 displaced families and the scheme was formulated by the respondents on 24.08.2002. He would further submit that the respondents had provided alternative house sites to all 358 displaced families in S.No.182-2C P.N.Patti Village, Mettur Taluk, Salem District under G.O.Ms.No.97, Energy C-1 dated 28.05.2004 of the 1st respondent and the same was challenged by the land owners in W.P.No.21237 of 2004, which was dismissed on 20.04.2010. After dismissal of the said writ petition, the respondents had allotted the alternative house sites to the 358 displaced families, but no house site was allotted to the petitioner. The petitioner was the absolute owner of the property, but one Raju S/o.Venkataraman was wrongly included in the patta issued by the Revenue Authority. The said mistake was brought to the notice of the 4th respondent and thereafter, the said Raju had given no objection for granting relief as per the Rehabilitation Scheme for the above said Mettur Thermal Power Project. He would further submit that the petitioner is eligible to get alternative House site and employment under the respondents board and he had already given affidavit of undertaking before the respondents. But, no allotment of alternative house was given to the petitioner till date. Hence, the petitioner has come forward with the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 and 5 and the learned Standing Counsel appearing for respondents 2 to 4.

4. Taking note of the submissions made by the learned counsel for the petitioner, this Court, without going into the

merits of the claim made by the petitioner, directs the respondents 2 to 4, to consider the representations of the petitioner dated 07.09.2010 & 25.03.2015 respectively and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of the order.

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

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Principal Secretary to Government,
Energy Department,
Government of Tamilnadu,
Fort St.George, Chennai 600 009.
- 2.The Chairman,
Tamilnadu Electricity Board,
No.800, Anna Salai,
Chennai 600 002.
- 3.The Chief Engineer (Personal),
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai 600 002.
- 4.The Superintending Engineer,
Mettur Thermal Power Project,
Mettur, Metturdam 636 406,
Salem District.

- 5.The District Collector,
Salem District, Salem.

+1cc to Mrs. R. Varalakshmi, Advocate SR. 76333

+1cc to the Government Pleader SR. 76423

W.P.No.41639 of 2016

RJ(CO)

VR(08/03/2017)