

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.Nos.18002 to 18004 of 2017
and W.M.P.Nos.19564 to 19566 of 2017

Amutha ... Petitioner in W.P.No.18002/2017
Ramalingam ... Petitioner in W.P.No.18003/2017
Govindasamy ... Petitioner in W.P.No.18004/2017

Vs.

1. The State of Tamil Nadu (Referring Officer)
rep by the Special Tahsildar (Land Acquisition),
Jayankondam Lignite Power Project,
Jayankondam, Ariyalur District.
2. The Tamil Nadu Industrial Development Corporation
rep by its Executive Director,
19-A, Rukmini Lakshmipathy Road (Marshall's Road),
Egmore, Chennai - 600 008.
3. The Neyveli Lignite Corporation,
rep by its Chairman,
Neyveli, Cuddalore District. Respondents in all the W.Ps

W.P.No.18002 of 2017 filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to pay the enhanced compensation due amount as per the Award passed in the LAOP No.4916 of 2008 dated 11.10.2014 on the file of the Special Court No.1, Jayankondam, Ariyalur District to the petitioner herein forthwith.

W.P.No.18003 of 2017 filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to pay the enhanced compensation due

amount as per the Award passed in the LAOP No.5180 of 2008 dated 22.02.2016 on the file of the Special Court No.II, Jayankondam, Ariyalur District and LAOP No.204 of 2014 dated 04.12.2015 on the file of the Special Court No.1, Jayankondam, Ariyalur District to the petitioner herein forthwith.

W.P.No.18004 of 2017 filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to pay the enhanced compensation due amount as per the Award passed in the LAOP No.5184 of 2008 dated 19.02.2014 on the file of the Special Court No.II, Jayankondam, Ariyalur District and LAOP No.206 of 2014 dated 04.12.2015 on the file of the Special Court No.1, Jayankondam, Ariyalur District to the petitioner herein forthwith.

For Petitioner (in all W.Ps) : Mr.A.Kalaiivanan

For Respondents (in all W.Ps) : Mr.S.Diwakar,
Special Government Pleader (R1)

C O M M O N O R D E R

Mr.S.Diwakar, learned Special Government Pleader takes notice for the 1st respondent. By consent, all the three writ petitions are taken up for disposal in the admission stage itself.

2.The petitioners have filed the above Writ Petitions to issue writs of mandamus to direct the respondents to pay the enhanced compensation due amount as per the Awards passed in the LAOP Nos.4916 of 2008, 204 & 206 of 2014 dated 11.10.2014 and 04.12.2015 respectively on the file of the Special Court No.I, Jayankondam, Ariyalur District and LAOP Nos.5180 and 5184 of 2008 dated 22.02.2016 and 19.02.2014 respectively on the file of the Special Court No.II, Jayankondam, Ariyalur District to the petitioner.

3.Since the petitioners have filed the Writ Petitions to execute the Awards passed in the Land Acquisition Original Petitions, the petitioners have remedy under the Code of Civil Procedure under Order 21 and the Writ Petitions filed under Article 226 of the Constitution of India cannot be pressed into service to execute the Awards passed in the Original Petitions.

4.In view of the same, the Writ Petitions are rejected. It is open to the petitioners to file Execution Petitions to execute the Awards passed by the Reference Court. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Tahsildar (Land Acquisition),
State of Tamil Nadu (Referring Officer),
Jayankondam Lignite Power Project,
Jayankondam, Ariyalur District.
2. The Executive Director,
Tamil Nadu Industrial Development Corporation,
19-A, Rukmini Lakshmipathy Road (Marshall's Road),
Egmore, Chennai - 600 008.
3. The Chairman,
Neyveli Lignite Corporation,
Neyveli, Cuddalore District.
4. The Special Court No.II
Jayakondan,
Ariyalur District.
5. The Special Court no. I
Jayakondan,
Ariyalur District

+3cc's to M/s.A.Kalaivanan, Advocate,
for the petitioner S.R.No.49800

+1cc to the Government Pleader, S.R.No.50141

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and W.M.P.Nos.19564 to 19566 of 2017

KJ (CO)
CU (02/08/2017)