IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2018

C O R A M

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.Nos.28487, 28492, 28500, 28506, 28514, 28531, 28534, 28540 of 2018

P.Rani,
W/o.Palayam (late),
No.37, Thilagar Nagar,
Kathivakkam, Ennore,
Chennai-600 057. ... Petitioner
in W.P.No.28487 of 2018

G.Shanmugam @ Selvaraj,
S/o.Gengan (late),
No.6, Sannathi Street,
Sriperumbudur,
Kancheepuram-602 105. ... Petitioner
in W.P.No.28492 of 2018

P.Jeyanayagi,
W/o.Panneer,
No.10, 1st Street, Mugathuvarakuppam,
Kathivakkam, Ennore,
Ennore Thermal Station,
Chennai-600 057. ... Petitioner
in W.P.No.28500 of 2018

D.Susilammal,
W/o.Duraibabu (late)
No.175, Karumariamman Koil Street,
Atthipattu Pudunagar, Vallur,
Thiruvallur-601 203. ... Petitioner
in W.P.No.28506 of 2018

K.Sundarraj,
S/o.Kannaian,
No.5, 1st Street,
Ennore Kuppam,
Kathivakkam, Ennore,
Chennai-600 057. ... Petitioner
in W.P.No.28514 of 2018

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N.Munusamy,
S/o.Nagalingam (late),
No.13, Ramareddy Palayam,
Minijur, Thiruvallur-601 203. ... Petitioner
in W.P.No.28531 of 2018

S.Mangalakshmi,
W/o.Nehru,
No.270, Perumal Kovil Street,
Atthipattu Pudu Nagar,
Chennai-600 120. ... Petitioner
in W.P.No.28534 of 2018

Nagammal,
W/o.Govindaraj(late),
No.335, Atthipattu Pudunagar,
Vallur, Thiruvallur-600 120. ... Petitioner
in W.P.No.28540 of 2018

Vs.

1. The District Collector,
   Thiruvallur District,
   Thiruvallur.

2. The Special Tahsildar, (Land Acquisition)
   Ennore Thermal Power Project, Unit-V

3. The Chief Engineer, (Civil Designs)
   Tamil Nadu Generation and
   Distribution Corporation Ltd.,
   No.800, Anna Salai, Chennai-600 002.

4. The Chief Engineer,
   Tamil Nadu Generation and
   Distribution Corporation Ltd.,
   No.800, Anna Salai, Chennai-600 002.... Respondents
   in all the cases

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Prayer in W.P.Nos.28487, 28492, 28500, 28506, 28514, 28531, 28534, 28540 of 2018: Writ Petitions are filed under Article 226 of Constitution of India, praying to issue Writ of Mandamus directing the respondents to pay the enhanced compensation and solatium with interest to the petitioner in respect of the lands comprised in Survey Nos.215/3A-1 Acre and 244/2-0.10 cents total extent of acre 1.10 cents; Survey Nos.233/2-0.46 and 233/3-0.48 with the total extent of acre 0.94 cents; Survey Nos.230/2 and 230/3 measuring to an total extent

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of acre 1.35 cents; Survey Nos.139/1-0.19, 140/2-1.62, 141-2.13, 145/1-0.07, 147/1A-0.13 and 145/2-0.32 with the total extent of Acre 4.46 cents; Survey Nos.169/1-0.14, 169/4-0.14 and 169/5-0.73 totalling to Acre 1.01 cents; Survey Nos.124/2-1.15, 125/1-1.70, 125/2-0.10, 125/3-0.10 and 150-0.10 with the total extent of acres 3.15 cents; Survey Nos.133/2B-0.50 cents and 147/1F-0.10 cents totalling to 0.60 cents; Survey Nos.246/1A-0.63, 246/1C-0.49 and 246/2A-0.50 measuring to an extent of acres 1.62 cents respectively, situated at Ennore Village, Ponneri Taluk, Thiruvallur District.

For Petitioner : Mr.K.Premkumar
in all the cases

W.P.Nos.28487, 28492, 28500, 28506 of 2018

For R1 & R2 : Mr.M.Elumalai
Government Advocate

W.P.Nos.28514, 28531, 28534, 28540 of 2018

For R1 & R2 : Mr.D.Raja
Additional Government Pleader

W.P.Nos.28487, 28492, 28500, 28506, 28514, 28531, 28534, 28540 of 2018

For R3 & R4 : Mr.Anand Gopalan
for T.S.Gopalan & Co.,

C O M M O N O R D E R

The present Writ Petitions are filed seeking direction to the 1st respondent to consider the petitioners' application filed under Section 28-A seeking for enhancement of compensation.

2. According to the petitioner, the lands were sought to be acquired for establishing the North Madras Thermal Power Station, Ennore, Chennai, and an award was also passed on 11.04.1988. Thereafter, some of the land owners, whose lands were also acquired by the very same notification, filed an application under Section 18, of the Land Acquisition Act, 1894, before the Sub-Court, Thiruvallur, in L.A.O.P.No.61 of 1990. The Subordinate Court, Thiruvallur, enhanced the compensation from Rs.50/-per cent to Rs.485/-per cent.

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3. Challenging the above award, the Electricity Board as the beneficiary in the acquisition proceedings had filed an appeal before this Hon'ble Court in A.S.No.268 of 1999. This Court was passed a decree on 14.05.2003 as follows:-

> "The Marked Value of the acquired land and hereby fixed the enhanced compensation at the rate of Rs.300/-(Rupees three hundred only) per cent."

4. Thereafter, the petitioner made an application to the District Collector/1st respondent herein as well as before the Tamil Nadu State Legal Service Authority, High Court, Chennai, on 26.03.2004. The application received by the Tamil Nadu State Legal Service Authority, Chennai, was also forwarded to the 1st respondent/District Collector within the time prescribed under the Act. Even though, the 1st respondent/District Collector received the application on 22.04.2004, so far the same has not been considered and no orders has been passed. Hence the present writ petition is filed.

5. Considering the above circumstances, without going into the merits of the case, the 1st respondent is directed to consider the petitioners' application and pass appropriate orders, after giving opportunities to the petitioners and also the beneficiaries viz., the Tamil Nadu Electricity Board, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observations, the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

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To,
1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Special Tahsildar, (Land Acquisition)
Ennore Thermal Power Project, Unit-V

3. The Chief Engineer, (Civil Designs)
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.800, Anna Salai, Chennai-600 002.

4. The Chief Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.800, Anna Salai, Chennai-600 002.

5.TheSub Court,
Thiruvallur

+8ccs to Mr. , Advocate SR.No.
80152,80153,80154,80515,80516,80158,80159,80157

+1 CC TO GOVERNMENT PLEADER SR.NO. 80438,80436,80441

W.P.Nos.28487, 28492,
28500, 28506, 28514, 28531, 28534, 28540 of 2018

A.SK(05/02/2019)

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