IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

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THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.4126 of 2019

Venkatachalam .. Petitioner

..vs..

1. The District Collector,
   Erode District, Erode.

2. The Revenue Divisional Officer,
   Brough Road, Erode-1.

3. The Chairman,
   Tamil Nadu Electricity Board,
   Tamil Nadu Generation and Electricity
   Distribution Corporation Limited,
   Anna Salai, Chennai-600 002. .. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to conduct enquiry under Section 28(A) of Land Acquisition Act in so far it relates to the petitioner's land situated in S.No.130/1, Anainasuvampalayam Village, Erode Taluk and District on the basis of the petitioner's written representation made on 08.02.2012 and legal notice dated 11.3.2015.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.C.Thirumaran, Spl.G.P. 1 and 2
For 3rd respondent : Mr.S.K.Raameshuwar

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to conduct enquiry under Section 28(A) of Land Acquisition Act in so far it relates to the petitioner's land situated in S.No.130/1, Anainasuvampalayam Village, Erode Taluk and District on the basis of the petitioner's written representation made on 08.02.2012 and legal notice dated 11.3.2015.

2. Learned Counsel appearing for the petitioner submitted that the petitioner has made a representation dated 08.02.2012 to the District Collector, Erode, the 1st respondent herein, for pre-determination of compensation in respect of his land acquired by the respondents under Section 28(A) of the Land Acquisition Act. But, till date

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no orders have been passed on the same. Hence, the petitioner is before this Court with this Writ Petition.

3. Learned Special Government Pleader appearing for the respondents 1 and 2 submitted that an enquiry notice was served on the petitioner and he has also appeared for enquiry on 18.02.2019 and the matter is pending consideration.

4. Learned Standing Counsel for the 3rd respondent submitted that the petitioner is not entitled to receive any compensation for the reason that he has not approached in time as per the provision of the Act.

5. In view of all the above, the 1st respondent, namely, the District Collector, Erode, is hereby directed to complete the enquiry under Section 28(A) of the Land Acquisition Act on the representation of the petitioner dated 08.02.2012 by giving an opportunity to the 3rd respondent Tamil Nadu Electricity Board and pass final orders on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this Order. No costs.

Sd/-
Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Erode District, Erode.

2. The Revenue Divisional Officer,
Brough Road, Erode-1.

3. The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Limited,
Anna Salai, Chennai-600 002.

+1 CC TO GOVERNMENT PLEADER SR.NO. 17064
+1cc to Mr.C.Prakasam , Advocate SR.No. 17778
+1cc to Mr.S.K.Raameshuwar , Advocate SR.No. 17803

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A.SK(20/03/2019)

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