

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.7445 of 2019 &
W.M.P.No.8106 of 2019

1.C.Duraisamy
2.K.Subramaniam
3.P.Palaniammal
4.P.Selvaraj
5.Irulappan ... Petitioners

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 Ltd.,
Anna Salai, Chennai - 600 002. ... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the first respondent to conduct enquiry under Section 28(A) of Land Acquisition Act insofar relates to the land situated in the first petitioner's land situated in S.Nos.129, 130, Anainasuvampalayam Village, Erode Taluk & District to the extent of 50 cents and two coconut trees and the 2nd petitioner's land situated in S.No.129/9 and 130/1, Anainasuvampalayam Village, Erode Taluk & District to the extent of 30 cents and two coconut trees and the third petitioner's land situated in S.No.129/9 and 131/2, Anainasuvampalayam Village, Erode Taluk & District to the extent of 13.838 cents and the fourth petitioner's land situated in S.Nos.130/1 and 131/2, Anainasuvampalayam Village, Erode Taluk & District to the extent of 72.728 cents and two coconut trees and the fifth petitioner's land situated in S.No.129 and 130/1 Anainasuvampalayam Village, Erode Taluk & District a to the extent of 16 cents and two coconut trees on the basis of the petitioners written representation made on 08.02.2012 and legal notice dated 14.03.2015.

For Petitioners :Mr.C.Prakasam

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

Mr.S.K.Raameshuwar
Standing Counsel for R3

O R D E R

Mr.D.Raja, learned Additional Government Pleader takes notice for the respondents 1 and 2; Mr.S.K.Rameshwar, learned Standing Counsel takes notice for the third respondent. By consent, this Writ Petition is taken up for final disposal.

2. The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the first respondent to conduct enquiry under Section 28(A) of Land Acquisition Act insofar it relates to the petitioners land, on the basis of the petitioners written representation made on 08.02.2012 and legal notice dated 14.03.2015.

3. According to the learned counsel for the petitioners in similar circumstances, this Court in W.P.No.4126 of 2019, dated 25.02.2019, granted relief to the petitioner therein and hence seeks for similar relief in this Writ Petition also and this was also fairly acceded by the learned counsel appearing for the respondents.

4. In the light of the above submissions, it is useful to extract paragraphs 2, 3, 4 & 5 of the order dated 25.02.2019 in W.P.No.4126 of 2019.

"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 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."

5. Considering the submissions made by the learned counsel on either side and in the light of the order passed in W.P.No.4126 of 2019, dated 25.02.2019, the Writ Petition is disposed of with a direction to the 1st respondent, namely, the District Collector, Erode, to complete the enquiry under Section 28(A) of the Land Acquisition Act on the representation of the petitioners 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 three months from the date of receipt of a copy of this order. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

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 Ltd.,
Anna Salai, Chennai - 600 002.

+1 CC to Govt. Pleader sr 30438.

+1 CC to Mr.C.Prakasam, Advocate sr 30626.

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W.M.P.No.8106 of 2019

SP(23/04/2019)