

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.9294 of 2019

1.M.Shanmugam
2.Ruthramoorthy
3.G.Sureshkumar

... 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: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to conduct enquiry under section 28(A) of Land Acquisition Act in so far relates to the first petitioner's land situated in S.Nos. 104/1, 2 & 4C, Anainasuvampalayam Village, Erode Taluk & District to the extent of 2.7221 acres and 21 coconut trees and the 2nd petitioner's land situated in S.Nos. 104/1, 2 & 4C, Anainasuvampalayam Village, Erode Taluk & District to the extent of 25 cents and 3 coconut trees and the third petitioner's land situated in S.No. 104/1, 2 & 4C, Anainasuvampalayam Village, Erode Taluk & District to the extent of 50 cents and 5 coconut trees on the basis of the petitioners' written representation made on 08.02.2012 and legal notice dated 14.03.2015.

For Petitioner : Mr.C.Prakasam

For Respondents 1 & 2 : Mr.V.Anandhamoorthy
Additional Government Pleader

For Respondent 3 : Mr.S.K.Rameshwar

O R D E R

This writ petition has been filed to direct the first respondent to conduct enquiry under section 28(A) of Land Acquisition Act in so far relates to the first petitioner's land situated in S.Nos. 104/1, 2 & 4C, Anainasuvampalayam Village, Erode Taluk & District to the extent of 2.7221 acres and 21 coconut trees and the 2nd petitioner's land situated in S.Nos. 104/1, 2 & 4C, Anainasuvampalayam Village, Erode Taluk & District to the extent of 25 cents and 3 coconut trees and the third petitioner's land situated in S.No. 104/1, 2 & 4C, Anainasuvampalayam Village, Erode Taluk & District to the extent of 50 cents and 5 coconut trees, on the basis of the petitioners' written representation made on 08.02.2012 and legal notice dated 14.03.2015.

2. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioners submitted that the petitioners have made representation dated 08.02.2012 to the District Collector, Erode, the first respondent herein, for pre-determination of compensation in respect of their 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 petitioners are before this Court with this Writ Petition.

4. The learned counsel for the petitioners drew the attention of this Court to the order of this Court dated 25.02.2019 passed in W.P.No.4126 of 2019 and referred to paragraphs 4 and 5 of the said order, which is extracted hereunder:

" 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. Learned Standing Counsel appearing for the third respondent would submit that the petitioners are entitled to receive compensation, only if they approached within the prescribed time as per the provision of the Act.

6. Considering the submissions of the learned counsel on either side and also in the light of the order of this Court dated 25.02.2019 passed in W.P.No.4126 of 2019, this Court is inclined to direct the first respondent 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 ten weeks from the date of receipt of a copy of this Order.

7. With the above direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//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 Mr.C.Prakasam, Advocate, S.R.No.31223

W.P.No.9294 of 2019

SSD(CO)
SSM(09/05/2019).