

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8563 of 2020

- 1.Srimathy
- 2.Jayakumar
- 3.Balakrishnan
- 4.Sankarlal
- 5.Ganesh Sabari
- 6.Minor.Srivaishnavi

Rep. by her Next Friend/Guardian Sankarlal
the 4th petitioner, the Paternal Grandfather.

...

Petitioners

Vs.

- 1.The Special Tahsildar,
(Land Acquisition) / Now rep. by the Revenue Divisional
Officer,
Mettur, Salem District.

- 2.Tamil Nadu Magnesite Ltd.,
Rep. by its Managing Director,
5/53, Omalur Main Road,
Jagir Ammapalayam post,
Salem - 636 302.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents herein to deposit the amount of compensation as per the order dated 24.02.2010 passed by the Hon'ble Supreme Court in CA.Nos.6242 to 6248 of 2001 and C.A.Nos.495 to 504 of 2002 and by considering the representation of the petitioners herein dated 21.03.2020 within a time frame.

For Petitioners: Mr.R.Nalliyappan

For Respondents: Mr.E.Manoharan,
Special Government Pleader

ORDER

It is stated by the petitioners in the affidavit filed in support of this writ petition that the lands to an extent of 196 acres in Thathaiyangarpatty Village were acquired by the Government through the first respondent on behalf of the second respondent for the purpose of expansion of Tamil Nadu Magnesite Limited under Section 4(1) of the Land Acquisition Act, 1894 during the year 1984. The first respondent being the Land Acquisition Officer, fixed the market value at Rs.18,000/- per acre for irrigated lands and Rs.15,000/- per acre for other lands under Award Nos.1 to 9 and 11/1986. Aggrieved over the compensation fixed by the first respondent, the petitioners herein filed an application to enhance the compensation in LAOP.No.41/1992 on the file of Principal Sub Judge, Salem and they received the compensation under protest and the enquiry for the compensation was referred to the Land Acquisition Tribunal under Section 18 of the said Act for the lands measuring 2.83 Acres in S.No.108/2 of Thathaiyangarpatty Village. The matter finally culminated in passing an order by the Hon'ble Supreme Court on 24.02.2010 in Civil Appeal Nos.6240 to 6243 of 2001 and 6244 to 6248 of 2001 and 495 to 504 of 2002, filed by some of the aggrieved claimants, wherein it has been held that the claimants are entitled to receive compensation at the rate of Rs.1,75,000/- per acre and interest shall be calculated on the compensation as fixed by the Reference Court. It is further stated by the petitioners that some of the claimants have also received the amount of compensation, as the Hon'ble Supreme Court has directed to pay compensation to all the parties concerned in the land acquisition proceedings, irrespective of the claimants who have come forward with appeals or not. It is also stated that the petitioners submitted a representation to the respondents on 21.03.2020, requesting to deposit the compensation amount as per the order of the Hon'ble Supreme Court. However, the said representation has not been considered till date. Therefore, the petitioners have come forward with this writ petition seeking a direction to the respondents to consider the said representation and deposit the amount of compensation within a time frame to be fixed by this Court.

2.Heard the learned Special Government Pleader, who took notice on behalf of the respondents.

3.It is seen that the petitioners have made a representation dated 21.03.2020 in respect of the subject matter, to the respondents herein. Considering the facts and circumstances of the case, it is suffice to give a direction to the respondents to consider the representation of the petitioners and pass appropriate orders. Accordingly, the respondents are directed to consider the representation of the petitioners dated 21.03.2020 and pass appropriate orders on merits and in accordance with law, taking note of the order

dated 24.02.2010 passed by the Hon'ble Supreme Court in Civil Appeal Nos.6240 to 6243 of 2001 and 6244 to 6248 of 2001 and 495 to 504 of 2002, within a period of eight weeks from the date of receipt of a copy of this order.

4.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

1.The Special Tahsildar,
(Land Acquisition) / Now rep. by the Revenue Divisional
Officer,
Mettur, Salem District.

W.P.No.8563 of 2020

AD(CO)
CB(07/08/2020)



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