

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.26806 OF 2017

Lakshmi

.. Petitioner

-vs-

1. The District Collector,
Salem District,
Salem.
2. The Sub Collector,
Mettur, Salem District.
3. The Special Tahsildar (Land Acquisition),
Mettur Thermal Power Project,
Mettur Dam-636 401.
4. The Chief Engineer,
TANGEDCO, Mettur Thermal Power Project,
Mettur Dam.
5. The Superintending Engineer,
TANGEDCO,
Mettur Thermal Power Project,
Mettur Dam.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 19.06.2017 with regard to the payment of compensation to the acquired land in S.No.689/2, P.N.Patti Village, Mettur Taluk and provide alternative accommodation and a suitable job to the petitioner within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.V.Arun

For Respondents : RR 1 to 3 - Mr.M.Elumalai,
Government Advocate

: RR4 & 5 - Mr.Anand Gopalan
Standing Counsel
For M/s.T.S.Gopalan & Co.

ORDER

This writ petition has been filed to direct the respondents to consider the petitioner's representation dated 19.06.2017 with regard to the payment of compensation to the acquired land in S.No.689/2, P.N.Patti Village, Mettur Taluk.

2.Heard Mr.A.V.Arun, learned counsel for the petitioner, Mr.M.Elumalai, learned Government Advocate appearing for the first to third respondents and Mr.Anand Gopalan, learned Standing Counsel, for M/s.T.S.Gopalan & Co., for the fourth and fifth respondents.

3.The petitioner, Tmt.Lakshmi is the daughter of one Thiru.Palaniappan and Tmt.Danammal. The said Palaniappan is stated to have the owner of the lands comprised in Survey No.689/2 measuring an extent of 1.16 hectares (2.87 Acres) in P.N.Patty Village, Mettur Taluk.

4.The petitioner states that her father was granted patta in respect of the said land in Patta No.824. However, the copy of the patta has not been produced, but the petitioner places reliance on the A register extracts to show that the petitioner's father's name was recorded in the register as against S.No.689/2. The petitioner's father died on 24.06.1985 and soon thereafter, her mother also died on 13.02.1986 leaving the petitioner all alone and subsequently, the petitioner got married to one Sithiyannan and after enquiry, came to know that the neighbouring land owners, who owned properties adjacent to the petitioner's father's property, were given compensation for the acquired lands and eligible persons of the family were also offered employment in the Mettur Thermal Power Project. With these facts, the petitioner has given representations to the first respondent on 02.05.2017 and 19.06.2017.

5.The petitioner relies upon a reply given under the Right to Information Act, 2005 dated 04.07.2017 to demonstrate that the land in S.No.689/2 forms part of the acquisition and has been handed over to TANGEDCO.

6.The learned Standing Counsel for TANGEDCO submitted that the claim made by the petitioner is a stale claim and there is nothing on record to show that the petitioner's father was the absolute owner of the property.

7.Mr.M.Elumalai, learned Government Advocate would submit that unless and until the records were verified and it is ascertained that the lands were acquired and the lands were patta lands of the petitioner's father, the question of payment of compensation does not arise. It is further pointed out that

in the award, S.No.689/2 does not find place.

8.After hearing the learned counsels for the parties, this Court is of the view that the District Collector, Salem can look into the matter and examine the correctness of the stand taken by the petitioner. The Collector can call for a report from the third respondent/Special Tahsildar (Land Acquisition), Mettur Thermal Power Project or such other authority who is in possession of the relevant acquisition files and after examining those aspects, the District Collector can take an informed decision.

9.In the light of the above, this writ petition stands disposed of by directing the petitioner to submit a detailed representation to the first respondent enclosing all relevant records as well as the copy of this order and submit the same by appearing in person in the Collectorate on the Grievance Day. On receipt of the representation, the first respondent shall call for the necessary records from the appropriate authorities and take an informed decision in accordance with law as expeditiously as possible preferably within a period of three months from the date on which the representation is submitted by the petitioner. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

abr

To

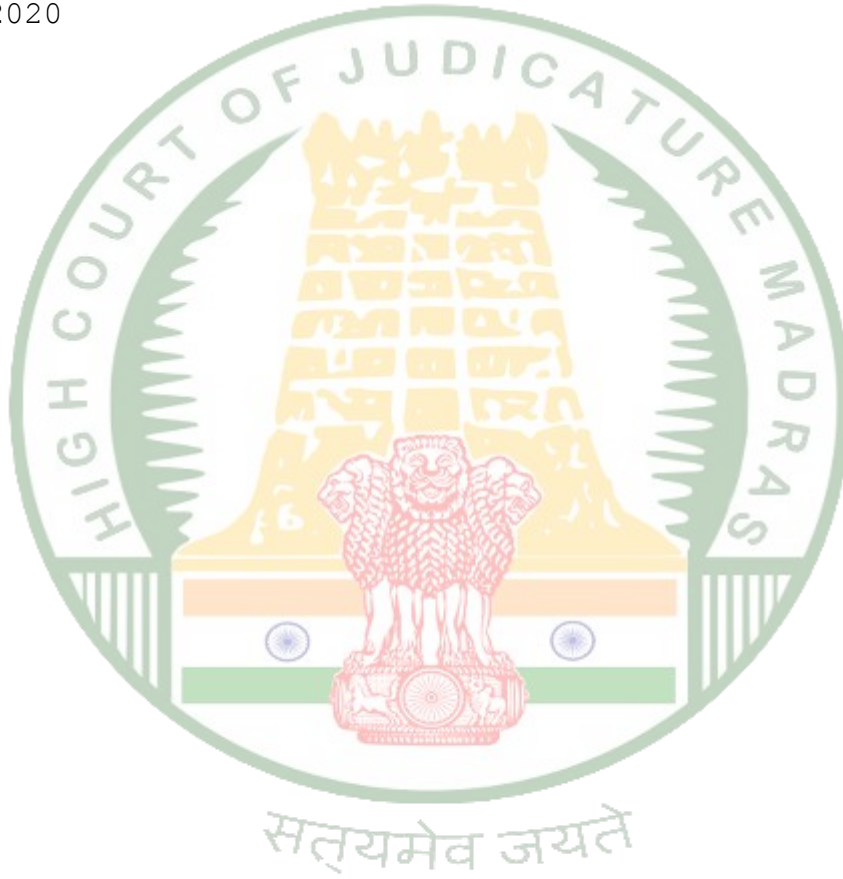
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+1cc to Mr.A.V.Arun, Advocate, S.R.No.638
+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.402
+1cc to the Government Pleader, S.R.No.1299

W.P.No.26806 of 2017

VGI (CO)
CS/10/02/2020



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