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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.28732 of 2015

A.Arumugam

...Petitioner

/vs/

1.The State of Tamil Nadu
Rep.by its Principal Secretary to Government,
Energy Department,
Secretariat,
Chennai 600 009.

2.The Chairman,
Tamil Nadu Electricity Board/TANGEDCO,
Anna Salai,
Chennai 600 002.

3.The Chief Engineer,
Personnel,
Tamil Nadu Electricity Board/TANGEDCO,
Anna Salai,
Chennai 600002.

4.The Chief Engineer (General),
Mettur Thermal Power Project-III,
(IX600MW), RE Quarters,
Thermal Nagar-3,
Mettur Dam 636 401,
Salem District.

5.The District Collector,
Salem District,
Salem

6.The Deputy Collector/
Revenue Divisional Officer,
Mettur Revenue Division,
Mettur Dam, Salem District.



7.The Tashildar,
Mettur Taluk,
Mettur Dam,
Salem District.

...Respondents

Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 4 to acquire the petitioner's land in S.No.386/2 and 386/3, to an extent of 5.3 acres in the revenue village of P.N.Patty, Mettur Taluk, Salem District, based on the recommendations of the respondents 5 and 7 dated 21.05.2015 and 19.01.2015 respectively, after paying the compensation to him, consequently directing the respondents 2 to 4 to provide job assistance to petitioner's son viz., A.Tamilvanan in the 4th respondent project for protecting his family livelihood.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.V.Jayaprakash Narayanan
Spl.Government Pleader
for R1, 5 to R7

Mr.P.R.Dhilipkumar
for R2 to R4

ORDER

Writ Petition is filed praying for issuance of Writ of Mandamus directing the respondents 1 to 4 to acquire the petitioner's land in S.No.386/2 and 386/3, to an extent of 5.3 acres in the revenue village of P.N.Patty, Mettur Taluk, Salem District, based on the recommendations of the respondents 5 and 7 dated 21.05.2015 and 19.01.2015 respectively, after paying the compensation to him, consequently directing the respondents 2 to 4 to provide job assistance to petitioner's son viz., A.Tamilvanan in the 4th respondent project for protecting his family livelihood.

2. The petitioner is an agriculturist owning agricultural land in S.Nos.386/2 and 386/3, to an extent of 5.3 acres, in the revenue village of P.N.Patti, Mettur Taluk, Salem District and his entire family is depending upon the agricultural work from the said land. In the year 2002, respondents 1 to 4 has extended Mettur Thermal Project viz., 1x600MW Stage-III and therefore, there are four Silos installed in the said project in S.No.387 of P.N.Patti Village, Mettur Taluk, Salem District. The said property comprised in S.No.387 is adjoining the petitioner's land. Because of the installation of four Silos in S.No.387 and



fly ash, which has been spread over in the petitioner's entire land, his agricultural land and cultivation are totally affected. Therefore, the petitioner is unable to do agricultural work. Hence, the petitioner made a representation to respondents 4 and 5 on 15.05.2007 requesting that to acquire his land to the Thermal Project, after paying the compensation and also to provide employment to his son for protecting their livelihood and the said representation of the petitioner was forwarded to the sixth respondent by the fifth respondent by proceedings dated 09.12.2013. Thereafter, the sixth respondent has directed the seventh respondent to conduct an inspection and to submit a report. The seventh respondent on 08.10.2014 has issued a memo to the Revenue Inspector to conduct an inspection and to submit a report. On 11.11.2014, the Revenue Inspector has conducted an inspection, after getting the land value from the Sub-Registrar, Mettur and thereafter, filed a detailed report to the seventh respondent. Based on the report of the Revenue Inspector, Mettur, again the seventh respondent has conducted a personal inspection in the land of the petitioner and also discussed with the fourth respondent and his officials on 30.12.2014 and subsequently, a detailed report was submitted to the fourth respondent on 19.01.2015 and 23.01.2015 for providing compensation to the petitioner. In turn, the fifth respondent herein has sent a recommendation to the fourth respondent on 21.05.2015 informing that the petitioner's lands are affected because of the thermal project and called upon the fourth respondent to give his response. So far as no action has been taken, the petitioner is before this court by way of filing the present writ petition.

3. Heard Mr. M.R.Jothimanian, the learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for respondents 1,5 to 7 and Mr.P.R.Dhilpkumar, the learned counsel appearing for respondents 2 to 4.

4. It is evident that the petitioner's property is adjacent to the Thermal Project and because of fly ash, which comes out of the project, the cultivation in the petitioner's land has been affected. The Revenue Authorities also made an inspection and filed the report, based on which, the fifth respondent has sent a recommendation on 21.05.2015 confirming the fact that the petitioner's land and cultivation are affected. Therefore, it is bound and duty of the fourth respondent to give his response regarding the recommendation dated 21.05.2015 sent by the fifth respondent on or before 11.10.2015.



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5. Accordingly the writ petition is disposed of. No costs. For reporting compliance, on 12.10.2015.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The State of Tamil Nadu
Rep.by its Principal Secretary to Government,
Energy Department,
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2.The Chairman,
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Personnel,
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5.The District Collector,
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7.The Tashildar,
Mettur Taluk,
Mettur Dam,
Salem District.

1 CC to Mr.P.R.Dhilipkumar, Advocate SR.No. 49758

1 CC to Mr.M.R.Jothimanian, Advocate SR.No. 49563

1 CC to the Government Pleader, SR.No. 49984

W.P.No.28732 of 2015

CNR (CO)
PSI (14.09.2015)