



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.10.2021

CORAM

WEB COPY

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.Nos.1502 & 1503 of 2014 and
MP.Nos.2 & 2 of 2014 and 1 & 1 of 2015

WP.No.1502 of 2014

V.Baskaran

...Petitioner

Vs

1.The Government of Tamilnadu,
Energy Department,
Fort St.George,
Chennai 600 009

2.The District Collector,
Kancheepuram District

3.The Special Tahsildar,
Land Acquisition Unit II,
Ultra Mega Power Project,
Cheyyur, Kancheepuram District

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned notification in GO.Ms.No.106(C1) Energy Department dated 24.11.2011 published in the Tamilnadu Government Extraordinary Gazette No.442 of part II Sec.2 insofar as it relates to the petitioner's land is concerned of extent of 0.05.5 hectares in survey No.244/3, an extent of 0.33.5 hectares in survey No.244/6, an extent of 0.88.0 hectares in survey No.244/9A and an extent of 0.29.0 hectares in survey No.244/9C in No.54 Chitharkadu Village, Cheyyur, Taluk, Kancheepuram District and all subsequent proceedings pursuant thereto and quash the same.

For Petitioner : M/s.AL.Ganthimathi

For Respondents : Mr.M.R.Gokul Krishnan,
Government Advocate



WP.No.1503 of 2014

A.Thiyagarajan

... Petitioner

WEB COPY

Vs

1.The Government of Tamilnadu,
Energy Department,
Fort St.George,
Chennai 600 009

2.The District Collector,
Kancheepuram District

3.The Special Tahsildar,
Land Acquisition Unit II,
Ultra Mega Power Project,
Cheyyur, Kancheepuram District

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned notification in GO.Ms.No.56(C1) Energy Department dated 27.05.2013 published in the Tamilnadu Government Extraordinary Gazette No.138 of part II Sec.2 insofar as it relates to the petitioner's land is concerned of an extent of 0.05.0 hectares in survey No.213/6B4 in No.54 Chitharkadu Village, Cheyyur, Taluk, Kancheepuram District and all subsequent proceedings pursuant thereto and quash the same.

For Petitioner : M/s.AL.Ganthimathi

For Respondents : Mr.M.R.Gokul Krishnan,
Government Advocate

COMMON ORDER

The writ petition in WP.No.1502 of 2014 is filed to issue a Writ of Certiorari calling for the records relating to the impugned notification in GO.Ms.No.106(C1) Energy Department dated 24.11.2011 published in the Tamilnadu Government Extraordinary Gazette No.442 of part II Sec.2 insofar as it relates to the petitioner's land is concerned of extent of 0.05.5 hectares in survey No.244/3, an extent of 0.33.5 hectares in survey No.244/6, an extent of 0.88.0 hectares in survey No.244/9A and an extent of 0.29.0 hectares in survey No.244/9C in No.54 Chitharkadu Village, Cheyyur, Taluk, Kancheepuram District and all subsequent proceedings pursuant thereto and quash the same. The writ petition in WP.No.1503 of 2014 is filed



to issue a Writ of Certiorari calling for the records relating to the impugned notification in GO.Ms.No.56(C1) Energy Department dated 27.05.2013 published in the Tamilnadu Government Extraordinary Gazette No.138 of part II Sec.2 insofar as it relates to the petitioner's land is concerned of an extent of 0.05.0 hectares in survey No.213/6B4 in No.54 Chitharkadu Village, Cheyyur, Taluk, Kancheepuram District and all subsequent proceedings pursuant thereto and quash the same.

2.The learned counsel for the petitioners submitted that the respondents issued notices to the petitioners and all the land owners in and around the petitioners' lands comprised in respective survey Nos. under the Tamilnadu Acquisition of Land for Industrial Purposes Act, 1997 for the purpose of formation of power project at Cheyyur. The learned counsel for the petitioners further submitted that the adjacent land owners filed batch of writ petitions in WP.No.2385 of 2014, etc. and this Court molded the prayer and directed the third respondent to issue notices to the petitioners to enable them to participate in the award enquiry and also directed that the award shall be passed after granting an adequate and effective opportunity of hearing. Further observed that the third respondent shall taken into account the principles of Central Act 30 of 2013 for determining the compensation while passing the award.

3. Accordingly, the following directions are issued:

(i) The third respondent is directed to issue notices to the petitioners to the address given in the Writ Petitions to enable them to participate in the enquiry for passing the award and the said award shall be passed after granting an adequate and effective opportunity of hearing to the petitioners.

(ii) The third respondent shall take into account the principles of Central Act 30 of 2013 that provides for determining the compensation while passing the award.

(iii) It is further directed that the respondents shall not disturb the petitioners till 80% of the compensation is paid.

4. With the above directions, both the writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

lok



To

1.The Government of Tamilnadu,
Energy Department,
Fort St.George,
Chennai 600 009

2.The District Collector,
Kancheepuram District

3.The Special Tahsildar,
Land Acquisition Unit II,
Ultra Mega Power Project,
Cheyyur, Kancheepuram District

+2 ccs to M/s.AL.Ganthimathi, Advocate Sr.NO. 365990
WP.Nos.1502 & 1503 of 2014

SSD(CO)
A.SK(26.11.2021)