



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.25658 of 2017 and
WMP.No.27054 of 2017

Kamalam

...Petitioner

Vs

1. The Government of Tamilnadu,
Rep. by its Principal Secretary,
Energy Department,
Fort St.George,
Secretariat,
Chennai 600 009
2. The Chairman,
Tamilnadu Transmission Corporation Limited,
NPKRR Maaligai,
No.144, Annasalai,
Chennai 600 002
3. The District Collector,
Salem District,
Salem
4. The Superintending Engineer GCC / Salem,
TANTRANSCO,
General Construction Circle/ Salem,
Kamaraj Nagar Colony,
Attur Bypass,
Salem - 14,
Salem District

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the third respondent to determine and direct the fourth respondent to pay the full and fair compensation as per the provisions of "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" before taking full possession and use of the petitioner's land comprised in survey No.357/3 & patta



No.648 situated in Kuruchi Village, Valapady Taluk and Salem District and forbearing the fourth respondent and his corporation from further keeping the petitioner's said land under their use, hold and control by imposing various restrictions, without paying full and fair compensation for trees and land to be determined by the third respondent as per the provisions of "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.P.Mani

For Respondents

For R1 & 3 : Mr.A.Selvendran,
Special Government Pleader

For R2 & 4 : Mr.S.Madhusudhanan,
Standing Counsel

ORDER

The petitioner has filed this writ petition for direction directing the fourth respondent to pay the full and fair compensation as per the provisions of "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" before taking full possession and use of the petitioner's land comprised in survey No.357/3 & patta No.648 situated in Kuruchi Village, Valapady Taluk and Salem District and forbearing the fourth respondent and his corporation from further keeping the petitioner's said land under their use, hold and control by imposing various restrictions, without paying full and fair compensation for trees and land to be determined by the third respondent as per the provisions of "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The petitioner sought for compensation on the strength of the Government Order of the year 2017, thereby providing compensation for the land also under the new Act i.e. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Considering the above, the petitioner is directed to make a fresh representation before the third respondent within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, the third respondent is directed



to conduct enquiry after giving opportunity of hearing to the petitioner and pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

4. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

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To

1. The Principal Secretary,
Government of Tamilnadu,
Energy Department,
Fort St.George,
Secretariat,
Chennai 600 009
2. The Chairman,
Tamilnadu Transmission Corporation Limited,
NPKRR Maaligai,
No.144, Annasalai,
Chennai 600 002
3. The District Collector,
Salem District,
Salem
4. The Superintending Engineer GCC / Salem,
TANTRANSCO,
General Construction Circle/ Salem,
Kamaraj Nagar Colony,
Attur Bypass,
Salem - 14,
Salem District

+1 CC to Mr.P. Mani, Advocate sr 61172
+1 CC to The Government Pleader sr 61521

WP.No.25658 of 2017

KSM(CO
SP(03/12/2021)