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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.Nos.306, 3164 & 22864 of 2019 and
WMP.Nos.315, 3327 & 3430 of 2019

WP.No.306 of 2019

- 1.M.Senthilkumar
- 2.Ponnusamy
- 3.Sengottaiyan
- 4.Palaniappan
- 5.Krishnamurthy
- 6.Periasamy
- 7.Ramasamy
- 8.Thangammal
- 9.Muthusamy
- 10.Amaravathi
- 11.Bharathi
- 12.Saranya

...Petitioners

Vs

1. The District Collector,
Namakkal District
2. The Superintending Engineer(Civil),
Hydroelectric Project,
Tamilnadu Generation & Distribution,
Corporation Ltd., (TANGEDCO),
Erode
3. The Executive Engineer(Civil),
Bhavani Kattalai Barrage - 3 Hydroelectric Project,
Solasiramani,
Thiruchengode Taluk,
Namakkal District
4. The Assistant Executive Engineer(Civil),
Bhavani Kattalai Barrage - 3 Hydroelectric Project,
Solasiramani,
Thiruchengode Taluk,
Namakkal District

...Respondents



Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to initiate acquisition proceedings and to issue compensation to the petitioner's acquired lands situated at Molasi Village Thiruchengode Taluk, Namakkal District, comprised in survey Nos.127/1G, 127/3A, 92/2, 93/2, 93/3 & 93/5 for the purpose of establishing Bhavani Kattalai Barrage - 3 Hydroelectric project by determining compensation under the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 and to pass award by granting compensation, 100% solatium and 12% additional amount by adopting multiplier method as per First Schedule and other benefits provided under Second Schedule in view of Section 30(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 based on the representations of the petitioners dated 25.06.2013.

For Petitioners : Mr.D.Vairamoorthy

For Respondents

For R1 : M/s.D.Tamilselvi,
Additional Government Pleader

For R2 to 4 : Mr.J.Venkatesh,
Standing Counsel for TNEB

WP.No.3164 of 2019

1.G.Senthilkumar
2.K.Gurusamy
3.Malika
4.G.Subramanian
5.Ramamurthy
6.Gunasekaran
7.Kullammal @ Muthayee
8.Saraswathi

...Petitioners

Vs

1.The District Collector,
Namakkal District

2. The Superintending Engineer(Civil),
Hydroelectric Project,
Tamilnadu Generation & Distribution,
Corporation Ltd., (TANGEDCO),
Erode



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3. The Executive Engineer(Civil),
Bhavani Kattalai Barrage - 3 Hydroelectric Project,
Solasiramani,
Thiruchengode Taluk,
Namakkal District

4. The Assistant Executive Engineer(Civil),
Bhavani Kattalai Barrage - 3 Hydroelectric Project,
Solasiramani,
Thiruchengode Taluk,
Namakkal District

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to initiate acquisition proceedings and to issue compensation to the petitioner's acquired lands situated at Molasi Village Thiruchengode Taluk, Namakkal District, comprised in survey Nos.81/1, 127/1C, 127/5A, 128/1, 127/1E and 80/1 for the purpose of establishing Bhavani Kattalai Barrage - 3 Hydroelectric project by determining compensation under the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 and to pass award by granting compensation, 100% solatium and 12% additional amount by adopting multiplier method as per First Schedule and other benefits provided under Second Schedule in view of Section 30(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 based on the representations of the petitioners dated 01.02.2012.

For Petitioners : Mr.D.Vairamoorthy

For Respondents

For R1 : M/s.D.Tamilselvi,
Additional Government Pleader

For R2 to 4 : Mr.J.Venkatesh,
Standing Counsel for TNEB

WP.No.22864 of 2019

1.B.Jeyakumar
2.S.Periyasamy
3.B.Krishnaveni
4.Minor Akash
Represented by Guardian Shanmugam
5.Arulmighu Mukkanneswarar Thirkkovil
by its hereditary Trustee M.N.Paramasaivam
6.Natarajan
7.Thangavelu
8.R.Perumayammal

...Petitioners



Vs

1. The District Collector,
Namakkal District
2. The Superintending Engineer (Civil),
Hydroelectric Project,
Tamilnadu Generation & Distribution,
Corporation Ltd., (TANGEDCO),
Erode
3. The Executive Engineer (Civil),
Bhavani Kattalai Barrage - 3 Hydroelectric Project,
Solasingam,
Thiruchengode Taluk,
Namakkal District
4. The Assistant Executive Engineer (Civil),
Bhavani Kattalai Barrage - 3 Hydroelectric Project,
Solasingam,
Thiruchengode Taluk,
Namakkal District

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to initiate acquisition proceedings and to issue compensation to the petitioner's acquired lands situated at Molasi Village Thiruchengode Taluk, Namakkal District, comprised in survey Nos.129/2, 128/2, 83/2, 127/2, 127/4, 80/1 and 81/1 for the purpose of establishing Bhavani Kattalai Barrage - 3 Hydroelectric project by determining compensation based on the representation of the petitioners dated 04.07.2019.

For Petitioners :	Mr.D.Vairamoorthy
For Respondents	
For R1 :	M/s.D.Tamilselvi, Additional Government Pleader
For R2 to 4 :	Mr.J.Venkatesh, Standing Counsel for TNEB

COMMON ORDER

Th writ petition in WP.No.306 of 2019 is filed to issue a Writ of Mandamus directing the respondents to initiate acquisition proceedings and to issue compensation to the petitioner's acquired lands situated at Molasi Village Thiruchengode Taluk, Namakkal District, comprised in survey Nos.127/1G, 127/3A, 92/2, 93/2, 93/3 & 93/5 for the purpose of establishing Bhavani Kattalai Barrage - 3 Hydroelectric project



by determining compensation under the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 and to pass award by granting compensation, 100% solatium and 12% additional amount by adopting multiplier method as per First Schedule and other benefits provided under Second Schedule in view of Section 30(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 based on the representations of the petitioners dated 25.06.2013; the writ petition in WP.No.3164 of 2019 is filed to issue a Writ of Mandamus directing the respondents to initiate acquisition proceedings and to issue compensation to the petitioner's acquired lands situated at Molasi Village Thiruchengode Taluk, Namakkal District, comprised in survey Nos.81/1, 127/1C, 127/5A, 128/1, 127/1E and 80/1 for the purpose of establishing Bhavani Kattalai Barrage - 3 Hydroelectric project by determining compensation under the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 and to pass award by granting compensation, 100% solatium and 12% additional amount by adopting multiplier method as per First Schedule and other benefits provided under Second Schedule in view of Section 30(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 based on the representations of the petitioners dated 01.02.2012; and the writ petition in WP.No.22864 of 2019 is filed to issue a Writ of Mandamus directing the respondents to initiate acquisition proceedings and to issue compensation to the petitioner's acquired lands situated at Molasi Village Thiruchengode Taluk, Namakkal District, comprised in survey Nos.129/2, 128/2, 83/2, 127/2, 127/4, 80/1 and 81/1 for the purpose of establishing Bhavani Kattalai Barrage - 3 Hydroelectric project by determining compensation based on the representation of the petitioners dated 04.07.2019.

2. The petitioners owned lands comprised in various survey Nos. at Molasi Village Thiruchengode Taluk, Namakkal District. While being so, the second respondent acquired the said lands for the purpose of establishing Bhavani Kattalai Barrage - 3 Hydroelectric Project in the river Cauvery, for which the fourth respondent issued notice dated 20.06.2013 to the petitioners. Thereafter, the second respondent had taken possession of the entire subject lands in the year 2011 itself. But they neither initiated land acquisition proceedings nor paid any compensation to the acquired lands. Therefore, the petitioners sent detailed representation to the respondents seeking compensation for the lands acquired by them. By the memorandum dated 06.06.2016 issued by the first respondent herein, revealed that the second respondent requested to initiate acquisition proceedings for the purpose of Bhavani Kattalai Barrage -3 Hydroelectric Project, since the Land



Acquisition Act, 1894 was repealed and the new Act came in to force with effect from 01.01.2014. After getting guidelines under the new Act from the Government, compensation will be determined for the subject land. Even after issuance of guidelines under the new Act which came into force from 21.09.2017, the petitioners were not paid any compensation. Again, the petitioners made representations.

3. On perusal of the counter filed by the second respondent, revealed that the third respondent requested the market value of the subject land for purchasing under private negotiation with the petitioners. Further revealed by order dated 01.06.2016 from the District Revenue Officer, Namakkal that the new Act came into force from 01.01.2014, hence only after getting new Act procedure, action will be taken by the Revenue Department.

4. As stated supra, the Government issued guidelines by framing rules for calculating amount of compensation as per the new Act, which came into force from 21.09.2017. In fact, the Tahsildar, Tiruchengode determined the land value under the New Act i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the subject land and submitted report before the District Mediation. However, even till today, no compensation amount has been paid to the petitioners for their respective lands which were acquired for the purpose of establishing Bhavani Kattalai Barrage - 3 Hydroelectric Project.

5. Considering the above, the respondents are directed to pay the compensation for the lands comprised in survey Nos.127/1G, 127/3A, 92/2, 93/2, 93/3, 93/5, 127/1C, 127/5A, 128/1, 127/1E, 129/2, 128/2, 83/2, 127/2, 127/4, 80/1 and 81/1 which were acquired for the purpose of establishing Bhavani Kattalai Barrage - 3 Hydroelectric project under the new Act i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of six weeks from the date of receipt of copy of this order.

6. With the above direction, all the writ petitions are allowed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar



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