



WP No. 11588 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 11588 of 2022

and

WMP.Nos.11066, 11067 and 11068 of 2022

1 K.Balachandran

2 R.Venkatesan

3 K.Arjunan

4 C.Sakthivel

5 K.B.Kaamaraj

6 K.P.Murugan

7 A.Vilvaraj@ Viswaraj

8 D.Ganesan

9 K.Selvakumar

10 C.Krishnan

11 K.Chinnammaal

12 N.Manivannan

.. Petitioners

Versus

1 The Government of Tamilnadu

Rep by its Principal Secretary,

<https://www.mhc.tn.gov.in/judis>



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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

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 3rd respondent in Letter No.Na.Ka.8273/2016 (B2) dated 17.02.2019 and consequential order passed by the 3rd respondent in his proceedings O.Mu.10609/2021/B2 dated 20.07.2021 and quash the same and consequently directing the 3rd respondent to re-fix the higher compensation for the petitioners land by following the procedure as laid down Under the Provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act

2013 (Central Act 30/2013).

<https://www.mhc.tn.gov.in/judis>



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For Petitioners : Mr.C.Prakasam

For Respondents : Mr.G.Krishna Raja (For R1 to R3)
Additional Government Pleader

Mr.L.Jaivenkatesh (For R4)

ORDER

Mr.G.Krishnaraja, learned Additional Government Pleader takes notice for the respondents 1 to 3 and Mr.L.Jaivenkatesh, learned Standing Counsel takes notice on behalf of the 4th respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3. The present writ petition has been filed seeking to quash the impugned order passed by the 3rd respondent in Letter No.Na.Ka.8273/2016 (B2) dated 17.02.2019 and consequential order in O.Mu.10609/2021/B2 dated 20.07.2021 passed by the 3rd respondent, directing the 3rd respondent to re-fix the higher compensation for the petitioners land by following the procedure as laid down Under the Provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Central Act 30/2013).



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4. The case of the petitioner is that the petitioners are the individual owners of their respective agricultural lands, situated in Sarkar Vazhapadi Village, Thukkiyampalayam Village of Valapady Taluk and Periyakrishnapalayam Village, Karadipatti Belur Village of Pethanaickenpalayam Taluk, Salem District. The third respondent had erected an eclectic tower line in the petitioners' lands and as of now, no compensation has been paid to them. Thereby, the petitioners made representation to the 3rd respondent on 22.04.2019 for re-fixing enhanced compensation by following due process of law. Since inaction on the part of the Respondents, the petitioners filed a writ petition before this Court in W.P.No.34013/2018. Wherein, this Court, vide order dated 01.03.2019 closed the writ petition on the ground that electric tower was already laid. However, this Court granted liberty to the petitioners to work out their remedy in the manner known to law. Pursuant to the order of this Court, the third respondent has passed the present impugned orders dated 17.02.2019 & 20.07.2021 and directed the TANGEDCO to pay the compensation to the land owners within a period of fifteen days. Challenging the same, the petitioners have file the present writ petition before this Court with the above said prayer.



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5. The learned counsel for the petitioners submitted that the grievance of the petitioners is that they are entitled to get compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (hereinafter referred to as 'the Act' for short). It is represented that the respondents are prepared to pay the compensation to the petitioners under Telegraph Act, which is not sustainable one. However, this Court may issue a suitable direction to the respondents 2 & 4 to pay the fair compensation to the petitioners within the time stipulated as fixed by this Court.

6. Considering the facts and circumstances of the case and without interfering into the impugned orders passed by the 3rd respondent, this Court, directs the respondents 2 & 4 to comply with the order passed in the impugned order dated 17.02.2019 and to pay the compensation to the petitioners, after verifying the records, within a period of six weeks from the date of receipt of a copy of this order. If the petitioners still feels aggrieved in respect of the compensation, it is always open to the Petitioners to challenge the same before the appropriate forum.



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7. With the aforesaid direction, this Writ Petition stands disposed of. No costs. However, liberty is granted to the petitioners to work out their remedy in the manner known to law. Consequently, connected miscellaneous petitions are closed.

06.06.2022

Index : Yes/No

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To

- 1 The Principal Secretary,
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