



W.P.No.14074 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.14074 of 2012
and
M.P.Nos.2, 4 and 5 of 2012

P.Munisamy

... Petitioner

versus

- 1.The Principal Secretary to Government,
Energy C-1, Department,
Fort St.George, Chennai -9.
- 2.The District Collector,
Vellore District,Vellore.
- 3.The Revenue Divisional Officer,
Vellore.
- 4.The Tahsildar,
Katpadi,
Vellore District.
- 5.Power Grid Corporation of India Ltd.,
Rep.by its Deputy General Manager,
A.Surendiran,
No.2 (Old No.160) I Lance,



W.P.No.14074 of 2012

Bharathi Nagar, North Usman Road,
T.Nagar, Chennai – 600 017.

.....Respondents

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[5th respondent impleaded as per order of this Court
dated 20.6.2012 in M.P.No.3 of 2012 in W.P.No.14074 of 2012]

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the proceedings of the 1st respondent in G.O.Ms.No.77, Energy (C1) Department dated 22.09.2011 and quash the same in respect of the petitioners land measuring 0.17.0 hectares in S.No.91/14 Elayanallur Village, Katpadi Taluk, Vellore District.

For Petitioner : Mr.M.Devaraj

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 to R4
Mr.V.Kalyanaraman
for M/s.Aiyar and Dolia for R5

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent in G.O.Ms.No.77, Energy (C1) Department dated 22.09.2011.



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2. Heard the learned counsel on either side and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the issue involved in this writ petition is squarely covered by the earlier order of this Court in W.P.No.14644 of 2012 etc., batch, dated 23.11.2021 and further order dated 03.12.2021.

4. When W.P.No.14644 of 2012 etc., batch came up for consideration this Court following the order dated 02.08.2013 passed in W.P.No.35069 of 2012 and confirmed by the Hon'ble Division Bench of this Court in W.A.No.1737 of 2013 vide judgment dated 07.11.2013 confirming the order of the Hon'ble Single Judge held that pre-acquisition delay not post-acquisition delay and invocation of urgency clause requires decision at various levels by various authorities and considering the said fact, the period of one year taken to arrive at such a decision cannot be said to be a delay at all. For better appreciation the operative portion of the order dated W.P.No.14644 of 2012 etc., batch, dated 03.12.2021 is extracted hereunder :



"13. That apart, the similar project established by invoking Section 17 of the Act, was challenged before this Court in W.P.No.35069 of 2012 and this Court by an order dated 02.08.2013, after considering all the points raised by the learned counsel appearing for the petitioners dismissed that Writ Petition, and the same was also confirmed by the Hon'ble Division Bench of this Court in W.A.No.1737 of 2013 dated 07.11.2013. The Hon'ble Division Bench of this Court held in that case that neither pre-acquisition delay not post-acquisition delay and invocation of urgency clause requires decision at various levels by various authorities and considering the said fact, the period of one year taken to arrive at such a decision cannot be said to be a delay at all. In the case on hand, the original records produced by the respondents has substantiate the stand taken by the first respondent. Hence, the above judgments cited by the learned counsel appearing for the petitioners do not help the case of the petitioners. Therefore, all the Writ Petitions fail and devoid of merits and they are liable to be dismissed.

14. Accordingly, all the Writ Petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs."



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5. Therefore, following the same ratio, this writ petition is dismissed.

However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

20.10.2023

Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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To

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