



W.P.No.5202 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 5202 of 2024

and

W.M.P.Nos.5722 and 5723 of 2024

1. Karuppayee
2. Venkatachalam
3. Loganathan
4. Mariyammal
5. Marimuthu
6. Revathi
7. Thangamuthu
8. Devi
9. Pradeep

... Petitioners

versus

- 1.The District Collector,
Erode District, Erode.
- 2.The Revenue Divisional Officer,
Brough Road, Erode -1.
- 3.The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai, Chennai – 600 002.

... Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.20188/1999/B1, dated 08.10.2021 and quash the same and consequently directing the respondents to fix the compensation by taking note of compensation fixed the land situated in S. No.136 and S. No 134/5, Anainasuvampalayam Village, Erode Taluk and Erode District and order passed by this Honourable Court in W.P.Nos.25090 of 2021 and etc., batch dated 29.08.2023.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for R1 and R2

ORDER

This writ petition has been filed to quash the impugned order passed by the first respondent vide proceedings in Na.Ka.No.20188/1999/B1, dated 08.10.2021 and consequently direct the respondents to fix the compensation, by taking note of compensation fixed for the lands situated in S. No.136 and S. No 134/5, Anainasuvampalayam Village, Erode Taluk and



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Erode District and the order passed by this Court in W.P.Nos.25090 of 2021 and etc., batch dated 29.08.2023.

2.The learned counsel for the petitioners submitted that the issue involved in this writ petition is squarely covered by the earlier order of this Court in W.P.Nos.25090 of 2021 etc., batch, dated 29.08.2023, which reads as follows :

"12. As per the directions issued by this Court, the District Collector again passed an order in impugned proceedings dated 08.10.2021. Even while passing the impugned order, no opportunity was granted to the land losers. Unilateral decision was taken reiterating the decision earlier taken in proceeding dated 28.05.2019. That being the factum established, the order impugned is in violation of the procedures to be adopted under the provisions of the Land Acquisition Act. That apart, the enhanced compensation fixed under Section 28A of the Act remains unchallenged and therefore, the land losers/writ petitioners are entitled for the enhanced compensation fixed by the District Collector under Section 28A of the Act in proceedings dated



04.03.2019. Accordingly, all the petitioners are entitled for the compensation of Rs.4,00,000/- (Rupees Four Lakhs only) per acre and Rs.4,000/- (Rupees Four Thousand only) per coconut tree, along with the interest and the solatium as granted by the District Collector in proceeding dated 04.03.2019.

13. The respondents are directed to settle the enhanced compensation to all the erstwhile land owners by deducting the compensation already paid within a period of eight (8) weeks from the date of receipt of copy of this order.

14. With these directions, the impugned order passed by the District Collector in proceedings in Na.Ka.No.20188/1999/B1 dated 08.10.2021, is quashed and all the Writ Petitions are allowed. No costs. Consequently connected miscellaneous petitions are closed."

3. Following the aforesaid order, the impugned order passed by the District Collector in proceedings in Na.Ka.No.20188/1999/B1 dated 08.10.2021, is quashed and the writ petition is allowed. Consequently, connected W.M.P.No.5723 of 2024 is closed.



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4. W.M.P.No.5722 of 2024 is ordered on payment separate Court fees, by each of the petitioners.

5. However, there shall be no order as to costs.

01.03.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

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P.VELMURUGAN, J.

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