



W.P.Nos.17566, 17568 and 17573 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

**W.P.Nos.17566, 17568 and 17573 of 2019**

**W.P.No.17566 of 2019:**

E.Saravanan

... Petitioner

Vs.

1.Tamil Nadu Magnesite Limited,  
rep.by its Managing Director,  
No.5/53, Omalur Main Road,  
Jagir Ammapalayam Post,  
Salem - 636 302.

2.The Special Tahsildar,  
Land Acquisition,  
TANMAG, Salem,  
rep. by Sub Collector,  
Mettur,  
Salem District.

... Respondents

**W.P.No.17568 of 2019:**

S.Palani

... Petitioner

Vs.



W.P.Nos.17566, 17568 and 17573 of 2019

1.Tamil Nadu Magnesite Limited,  
rep.by its Managing Director,  
No.5/53, Omalur Main Road,  
Jagir Ammapalayam Post,  
Salem - 636 302.

2.The Special Tahsildar,  
Land Acquisition,  
TANMAG, Salem,  
rep. by Sub Collector,  
Mettur,  
Salem District.

... Respondents

**W.P.No.17573 of 2019:**

M.Arumugam

... Petitioner

Vs.

1.Tamil Nadu Magnesite Limited,  
rep.by its Managing Director,  
No.5/53, Omalur Main Road,  
Jagir Ammapalayam Post,  
Salem - 636 302.

2.The Special Tahsildar,  
Land Acquisition,  
TANMAG, Salem,  
rep. by Sub Collector,  
Mettur,  
Salem District.

... Respondents

**Prayer in W.P.No.17566 of 2019:** Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to dispose the representation of the petitioner dated 24.09.2018 and subsequently directing the respondents to pay the enhanced



compensation 1/4th share to the petitioner and the legalheirs of Late Elumalai (1) Unnamalai (2) Selvi @ Jayanthi (3) Govindan (4)Selvam.

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**Prayer in W.P.No.17568 of 2019:** Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to dispose the representation of the petitioner dated 24.09.2018 and subsequently directing the respondents to pay the enhanced compensation 1/5th share to the petitioner.

**Prayer in W.P.No.17573 of 2019:** Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to dispose of the representation of the petitioner dated 15.10.2018 and subsequently directing the respondents to pay enhanced compensation 1/5th share to the petitioner and the legalheirs of Late.Sinthamani (1)Amaravathi, wife of Govindaraji (2)Jayanthi, D/o.Late Mariyappan (3)Manimekalai, D/O.Late Mariyappan.

For Petitioner : Mr.D.Dhayalan  
in all petitions

For Respondents : Mr.R.Balaramesh for R1  
in all petitions

Mr.P.Sathish,  
Additional Government Pleader  
for R2 in all petitions

### **COMMON ORDER**



It is the case of the writ petitioners that their lands were acquired in the year 1986 and awards were also passed and compensation were received under protest. The Reference Court has passed an order on 26.04.1996 fixing the compensation as Rs.1,75,000/- per acre and Rs.600/- per yielding coconut tree and Rs.250/- per yielding palmyrah tree and Rs.100/- per non yielding coconut tree and Rs.75/- per less the amount already awarded with 30% solatium and 12% additional amount with interest @9% per annum and also on such excess for the first year from the date of taking possession and thereafter, 15% per annum till the amount is deposited into Court. Ultimately, the said decree was challenged before the Hon'ble Apex Court and the Hon'ble Apex Court found that the compensation fixed by the Reference Court is correct and the order of the Reference Court was upheld and so far as the claim of the appellant for solatium, interest and other benefits under the statute is concerned the same should be governed by the principles laid down in **Sunder vs. Union of India** reported in **2001 (7) SCC 211**. Therefore, according to the petitioners, in this regard, the other land owners have not filed appeals and already had filed writ petitions, the Court had directed the respondents to consider the representation and provide enhanced compensation. In this regard, the petitioners have also



given an application and seeks for a direction.

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2.The counters are filed by the respondents in the respective cases.

Admittedly, the facts are not disputed. Already, awards were passed on 26.04.1996 and appeal proceedings were completed in the year 2010. After a period of twelve years, the petitioners have given the representation, claiming fair compensation. Hence, this writ petition is liable to be dismissed on the ground of delay and laches.

3.Heard the learned counsel appearing on either side and perused the material available on record.

4.The compensation enhanced by the Land Acquisition Tribunal is not in dispute. The Supreme Court has upheld the orders of the Reference Court. Similarly, some of the land owners also filed writ petition before this Court in W.P.No.7533 of 2012 and obtained orders in their favour which is also not in dispute.

5.This Court is of the view that the petitioners herein are also the



W.P.Nos.17566, 17568 and 17573 of 2017

similarly placed persons and they cannot be discriminated. Accordingly, this

Court directs the respondents 1 and 2 to consider the representations of the writ petitioners and pass an order by paying the compensation as determined by the Hon'ble Supreme Court with a period of two months from the date of receipt of a copy of this Order. However, it is made clear that the petitioners have approached the Court after a huge delay for which they may not be entitled to the interest.

With the above directions, these Writ Petitions are allowed. No costs.

**15.04.2024**

Index : Yes / No  
Internet : Yes / No  
Neutral Citation : Yes / No  
mps

To

1.The Managing Director,  
Tamil Nadu Magnesite Limited,  
No.5/53, Omalur Main Road,



W.P.Nos.17566, 17568 and 17573 of 2017

Jagir Ammapalayam Post,  
Salem - 636 302.

2.The Special Tahsildar,  
Land Acquisition,  
TANMAG, Salem,  
rep. by Sub Collector,  
Mettur,  
Salem District.



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W.P.Nos.17566, 17568 and 17573 of 2019

**N. SATHISH KUMAR, J.**

mps

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**and 17573 of 2019**

**15.04.2024**