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W.P.No.23306 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.23306 of 2023

and

W.M.P.Nos.3379 of 2024 & 20895 of 2024

1.Shishir Goenka

2.Anita Goenka

... Petitioners

Vs.

1.Superintendent Engineer,
GCC-1, A-10,
Thiru.Vi.Ka. Industrial Estate,
Guindy,
Chennai – 600 032.

2.The Chairman,
Tamil Nadu Transmission Corporation Ltd.,
(TANTRANSCO),
144, Anna Salai,
Chennai – 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents or their subordinates or servants or any authorised persons to pay the admitted awarded compensation amounts in Rc.No.28949/2018/J(15)J1 dated 11.08.2022 of Rupees 37,71,552/- passed by District Collector in pending disposal of OP/0000017/2023 and OP/0000009/2023 respectively on the file of the Principal District and Sessions Judge, Thiruvallur.



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For Petitioners : Mr.M.Kamalanathan

For Respondents : Mr.D.R.Arunkumar
Standing Counsel

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents or their subordinates or servants or any authorised persons to pay the admitted awarded compensation amounts in Rc.No.28949/2018/J(15)J1 dated 11.08.2022 of Rupees 37,71,552/- passed by District Collector in pending disposal of OP/0000017/2023 and OP/0000009/2023 respectively on the file of the Principal District and Sessions Judge, Thiruvallur.

2. The case of the petitioner is that, they are the owners of the land comprised in S.Nos.131/5, 131/4, 131/3 and 131/2 in Manali Village. During the year 2017, the 3rd respondent, started erecting high tension tower in the petitioners land and let the electrical lines to pass through the 2nd petitioner land. On 23.02.2017, the 1st respondent made a representation to the 3rd respondent. As there was no response from the 3rd respondent, the 1st petitioner filed a writ petition in W.P.No.5190 of 2017 and the said writ petition was disposed with a direction to the 3rd



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respondent to get appropriate orders from the 1st respondent. On 26.05.2017, the 1st respondent passed appropriate orders permitting the 3rd respondent to erect the towers in the 1st petitioner's land. Thereafter, the 1st petitioner had filed a writ petition before this Court to quash the order of the 1st respondent dated 26.05.2017 in W.P.No.19501 of 2017 and the same was dismissed on 31.07.2014. However, the writ petition filed by the 2nd petitioner in W.P.No.15996 of 2017 was not listed. Challenging the order passed in W.P.No.19501 of 2017, the 1st petitioner had filed a writ appeal in W.A.No.679 of 2019 and on 10.02.2021, both the writ appeal in W.A.No.679 of 2019 and writ petition in W.P.No.15996 of 2017 was heard by the Hon'ble 1st Bench of this Court and appropriate direction was given to the 1st respondent therein to assess the compensation due to the petitioners for acquisition of their land for setting up transmission towers within three months, pursuant to which, the District Collector, Chennai assessed the compensation vide order dated 11.08.2022 in Rc.No.28949/2018/J(15)J1 and fixed the compensation at Rs.37,71,552/-. However, till date, the said compensation has not been disbursed to the petitioners. Hence, the petitioners have filed the present writ petition before this court for appropriate orders.



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3. Though very many grounds have been raised in the writ petition, learned counsel for the petitioners submits that, it would suffice, if this Court issues a direction to the respondents to disburse the compensation fixed by the District Collector, Chennai, vide order dated 11.08.2022, within a reasonable time that may be fixed by this court.

4. Considering the limited request made by the learned counsel for the petitioners, this court, without expressing any opinion on the merits of the case, directs the respondents to disburse the compensation of Rs.37,71,552/- fixed by the District Collector, Chennai vide order dated 11.08.2022, with an interest at the rate of 6% p.a., within a period of two (2) weeks from the date of receipt of a copy of this order, if there is no legal impediment, failing which, the said compensation will carry an interest at the rate of 18% per month.

5. With the above directions, this Writ Petition is disposed of. No costs. In view of the above order being passed in this Writ Petition, no further order is necessary in the amendment petition filed in W.M.P.No.20895 of 2024 and thereby, the said miscellaneous petition is



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closed and consequently, the other connected miscellaneous petition is also closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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Note: Issue order copy on 04.10.2024.



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M.DHANDAPANI, J.

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To

- 1.The Superintendent Engineer,
GCC-1, A-10,
Thiru.Vi.Ka. Industrial Estate,
Guindy,
Chennai – 600 032.
- 2.The Chairman,
Tamil Nadu Transmission Corporation Ltd.,
(TANTRANSCO),
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W.M.P.No.22843 of 2024

in

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M.DHANDAPANI, J.

In view of amendment to the Court fee rules, this petition is allowed, subject to payment of single Court fee, within a period of two weeks, from the date of receipt of a copy of this order, failing which, this order shall be applicable only to the first petitioner.

04.10.2024

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