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W.A. No.2737 of 2024 and C.M.P. No.20037 of 2024

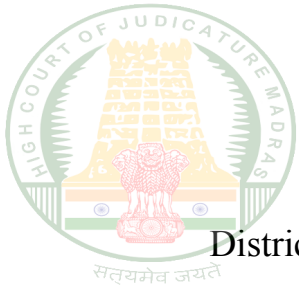
**W.A. No.2737 of 2024
and
C.M.P. No.20037 of 2024**

D. KRISHNAKUMAR, J.

and

P.B. BALAJI, J.

The short facts are that the private respondents were the owners of certain lands which were acquired under the Land Acquisition Act for the purpose of construction of Bhavani Kattalai Hydro Electric Project in the year 2000. Challenging the compensation determined by the Land Acquisition Officer, the private respondents moved the Sub Court, Erode, seeking enhancement of compensation which fixed compensation at Rs.2 lakhs per acre and Rs.2,500/- per coconut tree. Still not satisfied with the enhancement, the private respondents moved an application invoking Section 28-A of the Land Acquisition Act before the District Collector, Erode, wherein, by proceedings dated 04.03.2019, a compensation of Rs.4 lakhs per acre and Rs.4,000/- per coconut tree was determined. However, on the basis of the legal opinion offered by the Additional Advocate General of this Court, the said proceedings dated 04.03.2019 was reviewed by the



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District Collector *vide* proceedings dated 28.05.2019, reducing the compensation to Rs.2 lakhs per acre and Rs.4,000/- per coconut tree. The proceedings dated 28.05.2019 was assailed by the private respondents in W.P.No.1864 of 2020 which was allowed *vide* order dated 25.02.2021 with a direction to the District Collector, Erode, to pass an order justifying review of the proceedings dated 04.03.2019. Notwithstanding the order dated 25.02.2021 passed by this Court, the District Collector, Erode, *vide* proceedings dated 08.10.2021, stuck to the same amount of compensation as was determined *vide* proceedings dated 28.05.2019. Aggrieved, the private respondents preferred W.P.No.28427 of 2023, in which, *vide* order dated 29.09.2023, the proceedings impugned therein was quashed and the writ petition was allowed. As a sequitur, the private respondents were entitled to get a compensation of Rs.4 lakhs per acre and Rs.4,000/- per coconut tree, as ordered by the District Collector, *vide* proceedings dated 04.03.2019. Thereagainst, Tamil Nadu Electricity Board, the third respondent in the writ petition, has preferred this intra Court appeal.

2. Heard the learned counsel for the parties and perused the



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materials available on record.

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3. From a perusal of the topo sketch furnished by the learned Standing Counsel for the appellant, it is seen that the Single Bench, *vide* the order impugned, has restored the compensation amount fixed by the District Collector, Erode, *vide* proceedings dated 04.03.2019, relying upon the lands in S.F.No.134,135 and 136. As per the said topo sketch, only the lands in S.F.Nos.129,130,131,132,133,113,112 are proximate to the lands in S.Nos.134,135 and 136 and the other properties in S.F.Nos.104,80,79,74,73,72,69 and 62 are a bit far away from the lands in S.F.Nos.134,135 and 136. In other words, the lands in S.F.Nos.104,80,79,74,73,72,69 and 62 are not proximate to the lands in S.F.Nos.134,135 and 136.

4. In such perspective of the matter, there shall be an order of interim stay on condition that the respondents pay a sum of Rs.1 lakh per acre to the owners of the lands in S.F.Nos.129,130,131,132,133,113 and 112 within a period of four weeks from the date of receipt of a copy of this



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order. As far the owners of the lands in S.F.Nos.104,80,79,74,73,72,69 and 62 are concerned, their entitlement to enhanced compensation can be decided only at the time of final hearing.

Post this writ appeal after six weeks.

(D.K.K., J.) (P.B.B., J.)
04.10.2024

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