

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20287 of 2015

and

M.P.No.1 of 2015

D.S.Ananda Krishnan

...Petitioner

Versus

- 1 The Chairman
Tamil Nadu Transmission Corporation Ltd.
N.P.K.R.Ramasamy Maaligai 144 Anna Salai
Chennai-2.
- 2 The Superintending Engineer
General Construction Circle Kamaraj Nagar
Colony Udayapatty Salem-636014.
- 3 The Executive Engineer
Transmission Line Construction Thirupathur.
- 4 The Assistant Executive
Engineer Transmission Line Construction
Old Katpadi.
- 5 The District Collector
Vellore District Collectorate Building
Sathuvachari Vellore-632009.
- 6 The Tahsildar
Arakkonam Taluk State Highway 58 Arakkonam
North Arakkonam-631001.
- 7 Gammon India Ltd.
Rangoon St. Thousand Lights East Thousand
Lights Chennai-6.

...Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to consider petitioner representation dated 20.02.2015 which is a sequel to his representation dated 30.07.2014 and to appoint a suitable committee to assess and fix the rate of

compensation.

For Petitioner : Mr.S.Siva Shankar
for M/s. Sarvabhuman Associates

For Respondents : Mr.M.Varun Kumar (for R1 to R4)
Standing counsel
Mr.V.Subbiah (for R5 & R6)
Special Government Pleader
Mr.S.Giridharan (for R7)

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he is the owner of the agricultural lands admeasuring to an extent of 4.44 hectares comprised in S.Nos.36/2, 32/2 and 32/3, Ariyur Village, Arakkonam Taluk, Vellore District. The petitioner would state that in the above said lands there exists fruit bearing trees such as Mango, Suppota, Gooseberry and other valuable trees such as Teak, Red Sanders etc., numbering 500 and the petitioner is cultivating the said land for more than 30 years and earning a decent income out of the agricultural products.

3. It is stated by the petitioner that the 1st respondent represented by the 2nd respondent has issued a notification in the Tamilnadu Official Gazette dated 04.02.2013, proposing to erect a 400 KV DC Twin line from Thiruvallur 400 KV substation to the common point near Kanagamma Chatram and the route length of the project is about 75 kms and the 4th respondent in accordance with the said notification has issued a notice dated 10.12.2013 informing him that the above transmission line project will be passing through his agricultural lands and also gave an indication that some standing trees and crops on his land will be removed.

4. The petitioner would further state that for the purpose of erecting the pylon / Twin line, the workers of the 7th respondent with the approval of the 4th respondent has already removed 1 mango tree, 2 Neem trees, 5 Red Sanders and 5 Teakwood trees. The petitioner has been repeatedly approaching the respondents for payment of compensation and the 2nd respondent vide response dated 15.12.2014, has stated that no committee has been appointed to assess the compensation and it may take some time and also sent a communication dated 10.02.2015 stating that the compensation will be awarded after the completion of the entire work. The petitioner aggrieved by the said fact, submitted a representation dated 20.02.2015 to the 2nd respondent and since, he has not been favoured with any response, came forward to file this writ petition.

5. Heard the submissions of the learned counsel appearing for the petitioner and Mr.M.Varunkumar, learned standing counsel, who accepts notice on behalf of respondents 1 to 4 and would submit that the petitioner has to approach the competent authority under the Indian Telegraph Act for payment of compensation.

6. The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents 5 and 6 and Mr.S.Giridharan, learned counsel, who accepts notice on behalf of the 7th respondent.

7. The fact remains that the petitioner is repeatedly sending representations to the 2nd respondent for payment of compensation and the 2nd respondent originally took a stand that no committee has been formed to assess the compensation and thereafter, took a contrary stand that the compensation will be paid after the completion of the entire work. The fact remains that on account of erection of pylon /twin line, some of the trees standing on the land of the petitioner, has been removed. The petitioner has not been paid with any compensation.

8. This Court, in the light of the above facts and circumstances, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 20.02.2015 in accordance with law, after giving him an opportunity of personal hearing and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and till then, respondents 1 to 4 shall maintain status quo as it exists today.

9. The writ petition is disposed of, accordingly. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

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- 1 CC to M/s. Sarvabhman Associates, Advocate SR.No. 36869
- 1 CC to Mr.M.Varun Kumar, Advocate (Standing Counsel EB) SR.No. 36719
- 1 CC to the Government Pleader, SR.No. 36673

W.P.No.20287 of 2015

RJ (CO)
PSI (31.07.2015)

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