



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2015

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

CRP(MD).No.1867 of 2014 and
M.P.(MD).No. 1 of 2014

M. Shanmugasundaram,
The Deputy General Manager,
Power Grid Corporation of Indian Limited,
765/400 K.V. Tutuicorin Pooling Station,
Ettayapuram,
Thoothukudi District

: Petitioner/1st Defendant

Vs.

1. Pappa @ Pappammal
2. The District Collector,
Office of the District Collector,
Thoothukudi District
3. The Thasildar,
Office of the Thasildar,
Ettayapuram Taluk,
Thoothukudi District

4. Ramakrishnan

: Respondents 2 to 4/
Defendants 2 to 4

Prayer: This Civil Revision Petition filed under Article 227 of Constitution of India is praying to struck off the suit in O.S.No.187 of 2014 on the file of the District Munsif Court, Kovilpatti.

For Petitioner : Mr. S. Suresh
For 1st Respondent : Mr. K. Seemaraj

O R D E R

This Civil Revision Petition is praying to struck off the suit in O.S.No.187 of 2014 on the file of the District Munsif Court, Kovilpatti.

<https://hcservices.ecourts.gov.in/hcservices/> the learned counsel appearing for the petitioner and the first respondent.



3. The revision petitioner is the Power Grid Corporation of India Limited. It is the Government of India Enterprises. The petitioner is planning and coordinating for interstate transmission system and he is responsible for establishment of the operation of Regional and National Power Grids of facilitate transfer of power within and across the regions. Accordingly, the petitioner Corporation was entrusted with the task of construction of the " Loop-in Loop Out of Madurai - Tuticorin Joint Ventures 400 KV Double Circuit Power Transmission Line at Tuticorin Pooling Station" under approval of the Government of India at the estimated cost of Rs.83/- Crores. The work is also under the completion stage. As out of total 16 towers, foundation works have already been completed for 15 locations and 12 number of Towers had already been erected. The Government of India in exercise of powers conferred by Sub Section (1) of Section 38 of the Electricity Act, 2003 notified the petitioner Corporation as the Central Transmission Utility as per Section 14 of the Electricity Act, 2003, Central Transmission Utility shall be deemed to "Transmission Licensee" under the Act.

4. The first respondent herein had filed a suit before the District Munsif, Kovilpatti for an injunction, restraining the petitioner Corporation from exercising its statutory powers and the same was numbered as O.S.No.187 of 2014. It is also submitted that W.P.No.6004 of 2014 also filed by the first respondent before this Court for the same relief and the same was disposed of on 24.09.2014, directing the petitioner to approach the District Collector, Thoothukudi District by filing an application under Section 16(1) of the Telegraph Act, 1885.

5. After the order passed in W.P.No.6004 of 2014, proceedings were initiated before the District Collector, Thoothukudi District. By its proceedings dated 03.10.2014, it was held that there is no possibility of taking the transmission powers and the transmission lines on a different route other than the approved line. Pursuant to the same, the petitioner Corporation also on 16.12.2014 had paid a sum of Rs.3,30,000/- as compensation and the same has been received by the land owner.

6. Having received the compensation pursuant to the proceedings before the District Collector, Thoothukudi District, as contemplated under Section 16(1) of the Indian Telegraph Act, 1885, the suit filed by the first respondent in O.S.No.187 of 2014 on the file of the learned District Munsif Court, Kovilpatti is not maintainable and the same is liable to be struck off. The petitioner being a Government of India Enterprise is working for the larger interest of the public and the project is for public purpose. Besides the powers conferred to the petitioner is under



7. Accordingly, the Civil Revision Petition is allowed by striking of the suit in O.S.No.187 of 2014 on the file of the learned District Munsif Court, Kovilpatti. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif , Kovilpatti

+One cc to Mr.K.Seemaraj, Advocate, SR.No.5057

trp
RL/3 c- 25/2/2015

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