

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11414 of 2016
and
W.M.P.Nos.9864 and 9865 of 2016

G.Arunkumar .. Petitioner

Versus

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.Power Grid NM Transmission Limited,
Rep. by its Manager,
The Government of India Enterprises,
765KV S/C Dharmapuri - Madhugiri Line,
Construction Area Office, Power
Grid-400/200 Kv substation,
26th Km-Kanakapura Road, Somanahalli P.O.,
Bengaluru - 560 082. .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 04.12.2015 made in PNMTL/SOM/C-351(A)/Comp/290 passed by the second respondent, quash the same and consequently forbearing the respondents and their mens, Agents from in anyway installing transmission line in the petitioner's patta land in Survey No.210/2C, 204/2, in Periyannur Village, Palacode, Dharmapuri District.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.R.Rajeswaran (for R1)
Special Government Pleader

Mr.V.Kalyana Raman (for R2)
for M/s.Aiyar and Dolia

O R D E R

Heard Mr.S.Vijayakumar, learned counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the first respondent and Mr.V.Kalyana Raman, learned counsel appearing for the second respondent,

accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. Petitioner seeks for issuance of a writ of certiorarified mandamus, to quash the order passed by the second respondent dated 04.12.2015.

3. The second respondent is a Power Grid Transmission Limited, a wholly owned subsidiary of Power Grid Corporation of India Limited, a Government of India Enterprise under the Ministry of Power. The second respondent has been entrusted with the establishment of 765KV Transmission Line network vide prior approval of the Central Government under Section 68(1) of the Electricity Act, 2003, covering Tamil Nadu and Karnataka as a part of Transmission System Associated with IPPs of Nagapattinam / Cuddalore Area. It is stated that the subject power transmission line connecting southern states of the country to the National Grid and is beneficial to the southern states as whole of Karnataka and Tamil Nadu states in particular. The 765KV Transmission System is connecting 765KV pooling stations at Nagapattinam (Ariyalur / Tamil Nadu), Dharmapuri (Tamil Nadu) and Tumkur (Karnataka). The line route is passing through the lands in survey No.210/2C (Patta No.271) and 204/2 (Patta No.204) in Kokkikal area, Periyannur Village, Palacode Taluk, Dharmapuri District. This land is owned by the petitioner and Smt.Padmavathi. In the said lands, two towers are proposed to be erected.

4. The petitioner's challenge to the impugned notice is broadly on two grounds. Firstly, the petitioner has not been issued any notice of the proposal to erect the towers in their patta lands and if notice had been issued, they would have raised objection and in the event of objection being raised without the order of the first respondent/District Collector, the towers cannot be erected. The second objection is that the petitioner is prevented from claiming compensation for the damages which are likely to be caused.

5. At the first blush, the submissions made by the petitioner which have been reiterated by the learned counsel for the petitioner appear to be fair and reasonable. But, however on a closer scrutiny, it is found otherwise, since the petitioner is an absentee land lord and he does not reside in the property in question. In fact, the impugned order clearly states that the officials of the second respondent have approached the petitioner's caretaker Mr.Murugan S/o Chinna Mariyappan and requested him the details of the petitioner such as address, Telephone number, etc. This request was not been complied with. Admittedly, the address available and given to the second respondent is the address mentioned in the revenue

records. The said address relates to the property in question and does not relate to the address where the petitioner and Smt. Padmavathi reside. Therefore, if the petitioner had furnished the address and in spite of receipt of the details if the second respondent had not issued the notice to them then action of the second respondent can be faulted. However, the fault fully lies on the petitioner in not furnishing the address. Therefore, the plea raised by the petitioner that no notice was sent to him is a far fetched submission and deserves to be rejected. However, the petitioner is entitled to place his case before the second respondent and that opportunity should not be denied by the second respondent. Since according to the petitioner, there are fruit bearing trees in the land and if the towers are erected the utility of the land will be affected and the trees would be damaged.

6. In the light of the above, the challenge of the impugned proceedings has to necessarily fail and while upholding the stand taken by the second respondent, there will be a direction to the petitioner to appear before the second respondent in person and produce all the title documents and raise all objections. If such objection is raised, the second respondent shall consider the same and pass orders on merits and in accordance with law, within a period of two weeks from the date on which the petitioner appears in person before the 2nd respondent. The petitioner is directed to appear before the second respondent on 05.04.2016.

7. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS VI)

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Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri District,
Dharmapuri.

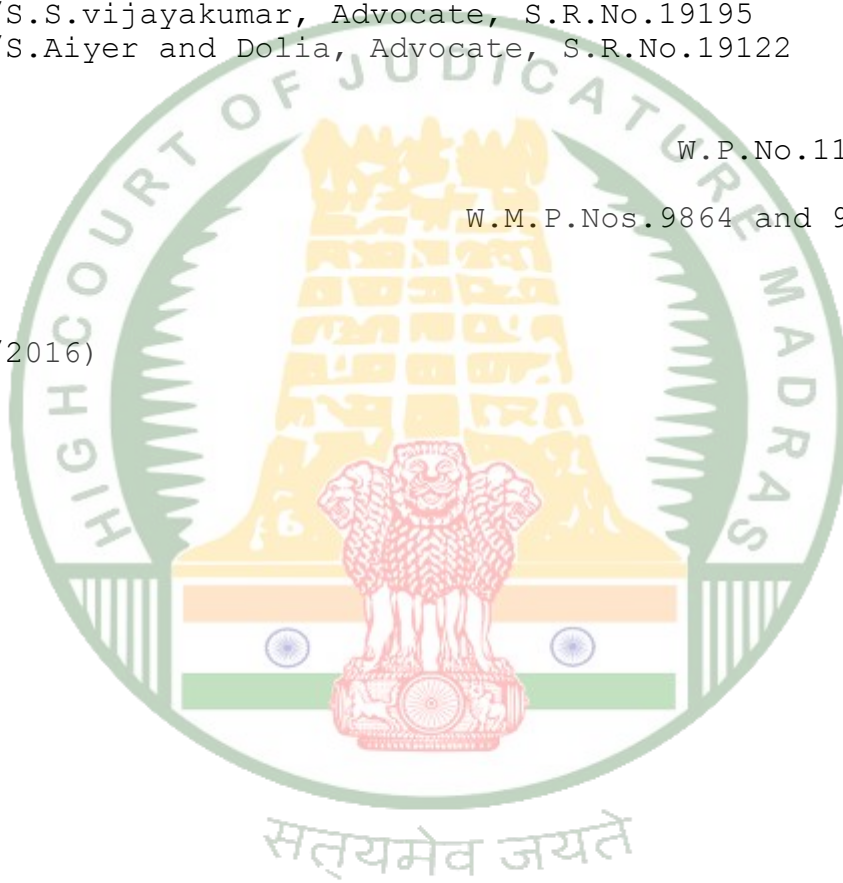
2.The Manager

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Bengaluru - 560 082.

+lcc to M/S.S.vijayakumar, Advocate, S.R.No.19195
+lcc to M/S.Aiyer and Dolia, Advocate, S.R.No.19122

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sns (CO)
srg (29/03/2016)



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