

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.04.2016

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16477 of 2016

&

W.M.P.Nos.14241 and 14242 of 2016

R.Gopu

... Petitioner

Versus

1. The Government of Tamil Nadu,  
Rep. by its Principal Secretary,  
Energy Department,  
Fort St. George,  
Secretariat, Chennai-600 009.
2. The Chairman,  
Tamil Nadu Transmission Corporation Limited,  
NPKRR Maaligai, No.144, Annasalai,  
Chennai-600 002.
3. The District Collector,  
Salem District,  
Salem.
4. The Superintending Engineer GCC / Salem,  
TANTRANSCO,  
General Construction Circle / Salem,  
Kamaraj Nagar Colony,  
Athur Bypass, Salem-14,  
Salem District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to forbear the the 4th respondent and his subordinates from entering the petitioner's land and erecting high voltage electricity transmission towers in the petitioner's land or from drawing high voltage electricity transmission lines across the petitioner's land comprised in S.No.134/14C in patta No.1058 situated in Periyakrishnapuram Village Pethanayakenpalayam Taluk, Salem District without following the provisions of The Electricity Act and Indian Telegraphic Act and Works of Licensee Rules and the 3rd respondent from according permission to the 4th respondent and his

subordinates to enter the petitioner's said land to erect the high voltage electricity transmission tower and draw high voltage electricity transmission lines across the petitioner's said land without determining the compensation or rent or both particularly as per the guidelines issued by the Government of India, Ministry of Power, New Delhi.

For Petitioner : Mr.P.Mani

For Respondents : Mr.R.Rajeswaran  
Special Government Pleader  
for R1 and R3  
Mr.S.K.Raameshuwar  
Standing Counsel for R2 and R4

#### O R D E R

Heard Mr.P.Mani, learned counsel appearing for the petitioner; Mr.R.Rajeswaran, learned Special Government Pleader, accepting notice on behalf of the respondents 1 and 3 and Mr.S.K.Raameshuwar, learned Standing Counsel, accepting notice on behalf of the respondents 2 and 4. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus, to forbear the 4th respondent and his subordinates from entering his land and erecting high voltage electricity transmission towers in his land or from drawing high voltage electricity transmission lines across his land comprised in S.No.134/14C in patta No.1058 situated in Periyakrishnapuram Village Pethanayakenpalayam Taluk, Salem District without following the provisions of The Electricity Act and Indian Telegraphic Act and Works of Licensee Rules and the 3rd respondent from according permission to the 4th respondent and his subordinates to enter the petitioner's said land to erect the high voltage electricity transmission tower and draw high voltage electricity transmission lines across his said land without determining the compensation or rent or both particularly as per the guidelines issued by the Government of India, Ministry of Power, New Delhi.

3. The petitioner owns agricultural land in Survey No.134/14C, situated in Periyakrishnapuram Village, Pethanayakenpalayam Taluk, Salem District and has been granted Patta in Patta No.1058. The petitioner's grievance is that the fourth respondent has issued the notification under Sections 164 and 168 of the Electricity Act for erection of transmission towers and lines in a 110 KV DC. It is stated

that the line is passing through a distance of 13 kms and without following the procedures under the Act, now, the fourth respondent is attempting to draw the line.

4. The petitioner has therefore come forward with this Writ Petition praying for a direction to forbear the fourth respondent from entering upon the petitioner's land and erecting High Voltage Electricity Transmission Tower or draw line across the petitioner's land and also forbear the third respondent to grant any permission to erect the Transmission Tower or draw the line without determining the compensation in terms of the Guidelines issued by the Government of India.

5. The learned Standing Counsel appearing for the respondent Corporation submitted that they will move third respondent by filing an appropriate application and the third respondent may be directed to consider the same in accordance with law.

6. The petitioner cannot have any objection to such a procedure being adopted when the petitioner's grievance is that the respondent Corporation, should follow the procedure as per law.

7. One more issue the petitioner has raised is with regard to determination of compensation. In this regard, the petitioner has referred to the notification issued by the Government of India, dated 15.10.2015.

8. The learned Standing Counsel for the respondent submitted that the said notification is not applicable to the respondent-TANTRANSCO. However, this Court does not propose to adjudicate that issue at this juncture since the respondent-TANTRANSCO has been directed to approach the third respondent for necessary relief.

9. In the light of the above, the Writ Petition is disposed of by directing respondents 2 and 4 to approach the third respondent by way of an appropriate Application seeking permission to enter upon the petitioner's lands for the purpose of erecting transmission towers and drawing transmission lines and if such Application is filed, the third respondent shall issue notice to the petitioner and the respondents 2 and 4, after hearing the parties, pass a reasoned orders on merits and in accordance with law. Before the third respondent, the petitioner is entitled to raise the point with regard to determination of compensation. In the event, such point is raised, the third respondent should decide the applicability of the Guidelines and also pass a reasoned orders on the same. The above direction be complied with by the third respondent, within a period of eight weeks from the date on which, the Application is filed by the

respondents 2 and 4. Needless to say, till such orders are passed by the third respondent, the transmission tower or transmission line shall not be laid / drawn on the petitioner's land. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

r n s

To

1. The Principal Secretary,  
Government of Tamil Nadu,  
Energy Department,  
Fort St. George,  
Secretariat, Chennai-600 009.
2. The Chairman,  
Tamil Nadu Transmission Corporation Limited,  
NPKRR Maaligai, No.144, Annasalai,  
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3. The District Collector,  
Salem District,  
Salem.
4. The Superintending Engineer GCC / Salem,  
TANTRANSCO,  
General Construction Circle / Salem,  
Kamaraj Nagar Colony,  
Athur Bypass, Salem-14,  
Salem District.

+1cc to Mr.S.K.Raameshuwar, Advocate, S.R.No.27808  
+1cc to Mr.P.Mani, Advocate, S.R.No.27528  
+1cc to the Government Pleader, S.R.Nos.27910 & 28035

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PA(CO)  
CA(11/05/2016)