

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S. SIVAGNANAM

W.P.No.1762 of 2016

J. Malathi

..Petitioner

Vs

1. The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai, Chennai 600 002.

2. The Superintending Engineer,
General Construction Circle (G.C.C.),
Tamilnadu Electricity Board,
Tamilnadu Generation and Electricity
Distribution Corporation Ltd.,
Guindy Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032.

3. The Executive Engineer,
Tamilnadu Electricity Board,
Tamilnadu Generation and Electricity
Distribution Corporation Ltd.,
Guindy Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai 600032.

.. Respondents

Prayer in both Writ Petitions : Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to disburse compensation to the tune of Rs.8,00,000/- to the petitioner for taking over the petitioner's house site in Plot No.59, Sri Veeraragava Nagar, Silavattam Village, Maduranthagam Taluk, Kancheepuram District situated in S.Nos.132/6B and 132/8 to the extent of 1240 sq.ft. and in S.Nos.132/8 and 132/7C to the extent of 1330 Sq. ft. totally 2570 sq.ft.

For Petitioner	:	Mr.C. Prakasam
For Respondents	:	Mr.S.K.Rameshuwar, Standing Counsel (TNEB)

O R D E R

With the consent of both parties, the Writ Petition is taken up for final disposal.

2. Heard Mr.C.Prakasam, learned counsel appearing for petitioner and Mr.S.K.Raameshuwar, learned Standing Counsel appearing for the respondent Electricity Board.

3. The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to disburse compensation to the tune of Rs.8,00,000/- for taking over the petitioner's house site.

4. Learned Standing counsel appearing for the respondent Electricity Board, by referring to the counter affidavit (2), submitted that the question of payment of compensation does not arise as the land is taken over by the Electricity Board and utilised only for erecting towers and the land owner continues to be the owner of the land, however, it is submitted that if there is any damages caused, that alone can be compensated in terms of Section 10(d) of Indian Telegraph Act 1985.

5. When the matter was listed on 18.2.2016, this Court directed the learned counsel for the petitioner to produce proof to show that the land in question was a housing plot forming part of an approved lay out.

6. Today, the learned counsel has produced the copy of the proposed lay out of house site and it is not very clear as to whether the same has been approved by the competent authority since it is shown to have been signed by the President of Village Panchayat and it is not known as to whether the resolution or order passed by the Village Panchayat alone would suffice at the relevant point of time. In any event, these are the factual details to be verified by the authorities.

7. In the light of the above, without going to the merits of the case, there will be a direction to the petitioner to submit a fresh representation along with a copy of the earlier representation dated 9.12.2015 along with a copy of this order and submit the same to the 3rd respondent, who shall consider the said representation and pass orders on merits and in accordance with law, after verifying full facts and communicate the same to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

msr

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai, Chennai 600 002.
2. The Superintending Engineer,
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Tamilnadu Electricity Board,
Tamilnadu Generation and Electricity
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Tamilnadu Generation and Electricity
Distribution Corporation Ltd.,
Guindy Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032.

+ 1 cc to Mr.C.Prakasam, Advocate, SR 16722

+ 1 cc to Mr.S.K.Raameshuwar Advocate, SR 16193

kji(co)
prk6/4

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