

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.39836 of 2015 &
M.P.No.1 of 2015

K.M.Periyasamy

[PETITIONER]

Vs

- 1 The District Collector
Salem. [RESPONDENT]
- 2 The Executive Engineer
Tamilnadu Transmission Corporation Limited
TNEB, Udayapatty, Salem.
- 3 The Chairman
Tamilnadu Electricity Board Power
Distribution and Planning
5B Block, 144, Anna Salai, Chennai-02. [RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorari, to call for the records of the first respondent in Roc. No.22645/2015/E5 dated 2.12.2015 rejecting Petitioners objections and permitting the second respondent to enter upon petitioners land situated at Survey No.316/3C Kurichi Village Valapady Taluk, Salem District as per the Indian Telegraphic Act 1885 to erect the Electricity Power Transmission Tower and for laying high tension power lines and to quash the same.

For Petitioner : Mrs.Radha Gopalan
for Mr.T.Padmanabhan

For Respondents : Mr.R.Rajeswaran - R1
Special Govt.Pleader

Mr.S.K.Rameshuwar -R2 & R3

O R D E R

Heard Mrs.Radha Gopalan, learned Counsel appearing for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader, accepting notice for the first respondent and Mr.S.K.Rameshuwar, learned counsel, accepting notice for the respondents 2 & 3 with their consent the Writ Petition is taken up for final disposal.

2.The petitioner has filed this Writ Petition challenging the order dated 02.12.2015, passed by the District Collector, by which the objections raised by the petitioner for erection of the electricity power transmission power in his patta land at Survey No.316/3C, Kurichi Village, Valapady Taluk, Salem District, was rejected.

3.At the time when the writ petition was entertained, an order of status quo was granted on 17.12.2015, recording the submissions made by the learned counsel for the petitioner that there are alternate lands available and the petitioner undertakes to file an additional affidavit giving details after serving a copy on the learned Standing Counsel for the respondent Board.

4.When the matter came up for hearing on 21.12.2015, the petitioner did not comply with the undertaking given to this Court. Therefore, the interim order of status quo was vacated. Today, the second respondent has filed a detailed counter affidavit, stating that the work has already been completed and the tower has been erected. Further more, the amount of compensation which has been paid, has also been set out in paragraph No.10 of the counter.

5.The submission of the learned counsel for the petitioner are two fold. Firstly, by relying upon the affidavit filed today before this Court dated 06.01.2016, it is stated that when alternate lands are available, the transmission tower could have been erected in those lands and the second limb of the objection is that the compensation which is now been arrived at is, inadequate.

6.In the light of the stand taken by the petitioner in the affidavit filed before this Court today and the submissions of the learned counsel for the petitioner, it is for the petitioner to approach the District Collector for appropriate relief. If the petitioner still seeks to question the erection of the high tension tower on certain additional grounds, it is for the petitioner to approach the District Collector or in the contrary if the petitioner is not satisfied with the amount of

compensation which has been now fixed, then also it is open to the petitioner to approach the District Collector, Salem.

7. Accordingly, liberty is given to the petitioner to exercise any one of the options mentioned above. If any one of such objection is raised before the District Collector, it is open to the District Collector to consider the same and pass appropriate orders as expeditiously as possible, preferably within a period of six weeks from the date of receipt of the objection. No costs. Consequently, connected Miscellaneous Petition is closed.

The Writ Petition is disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/-
Assistant Registrar (Cs-IV)

/TRUE COPY/

Sub-Assistant Registrar

rpa

To

- 1 The District Collector
Salem.
- 2 The Executive Engineer
Tamilnadu Transmission Corporation Limited
TNEB, Udayapatty, Salem.
- 3 The Chairman
Tamilnadu Electricity Board Power
Distribution and Planning
5B Block, 144, Anna Salai, Chennai-02.

+1 CC to MR.T.Padmanabhan Advocate. SR.NO.1475

WEB COPY

W.P. No.39836 of 2015

CO-CTK
JD 22/01/2016