

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.2669 of 2016

K.V.M.Veerasamy

[PETITIONER]

Vs

- 1 The Superintending Engineer
Tamil Nadu Electricity Generation &
Distribution Corporation
Capperquarry, Cuddalore
Cuddalore Taluk, Cuddalore District.
- 2 The Executive Engineer
Tamil Nadu Electricity Generation &
Distribution Corporation
Kurinjipadi, Kurinjipadi Taluk
Cuddalore District.
- 3 The Assistant Executive
Engineer, Tamil Nadu Electricity Generation &
Distribution Corporation
Kurinjipadi, Kurinjipadi Taluk,
Cuddalore District.
- 4 The Assistant Engineer (Rural)
Tamil Nadu Electricity Generation &
Distribution Corporation
Kurinjipadi, Kurinjipadi Taluk
Cuddalore District.
- 5 The President
Thambipettai Panchayat
Kurinjipadi Taluk
Cuddalore District.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus, to forbear respondents from installing electricity poles or taking overhead lines above and across S.No.20/6, in Kesavanarayanapuram Village, Kurinjipadi Taluk , Cuddalore District, except by resorting to due process of law.

For Petitioner : Mr.R.Gururaj

For Respondents : Mr.M.Varunkumar - R1 to R4

Mr.R.Lakshmi Narayanan - R5
Additional Government Pleader

O R D E R

Heard Mr.R.Gururaj, learned Counsel appearing for the petitioner, Mr.M.Varunkumar, learned counsel for the respondents R1 to R4 and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader accepting notice for the fifth respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner has filed this Writ Petition from forbearing respondents from installing electricity poles or taking overhead lines above and across S.No.20/6, in Kesavanarayanapuram Village, Kurinjipadi Taluk, Cuddalore District, except by resorting to due process of law.

3.It is admitted by the petitioner that the electricity line has been drawn for the purpose of providing electricity service connection to the construction overhead tank by the Panchayat for the welfare of the local public. The petitioner appears to have objected to the construction of the overhead tank, alleging that it has been constructed in his private patta land, without acquisition of the said property.

4.However, that was a separate dispute which the petitioner is canvassing in this writ petition. Now the petitioner is objecting to the drawl of the electricity line. Since the drawl of electricity line is for a public purpose, the Electricity Board is entitled to take the line through the shortest possible route. However, in that process, if there is any damage to the petitioner's crops or standing trees, then the petitioner is entitled to reasonable compensation.

5.The respondents are bound to consider the petitioner's request for grant of compensation for the alleged damage caused to the crops standing in his property. The request made by the petitioner is directed to be considered by the first respondent only to that extent and pass appropriate orders on merit and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

rpa

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

- 1 The Superintending Engineer
Tamil Nadu Electricity Generation &
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Cuddalore Taluk, Cuddalore District.
- 2 The Executive Engineer
Tamil Nadu Electricity Generation &
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Kurinjipadi, Kurinjipadi Taluk
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- 3 The Assistant Executive
Engineer Tamil Nadu Electricity Generation &
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Kurinjipadi, Kurinjipadi Taluk, Cuddalore District.
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- 5 The President
Thambipettai Panchayat
Kurinjipadi Taluk , Cuddalore District.

+ 1 cc to Mr.R.Gururaj, Advocate SR 5224

vsn(co)
prk5/2

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