

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.2681 of 2016

1 K.Balachandran

2 R.Venkatesan

3 K.Arjunan

4 C.Veeramuthu

5 P.Veema Gounder

6 E.Manonmani

7 V.Annamalai

8 L.Palanivel

9 C.Sakthivel

10 A.Velmurugan

11 K.B.Kaamaraj

12 G.Ranganathan

13 K.P.Angamuthu

14 A.Rajendhiran

15 A.Chandran

16 Gopinath

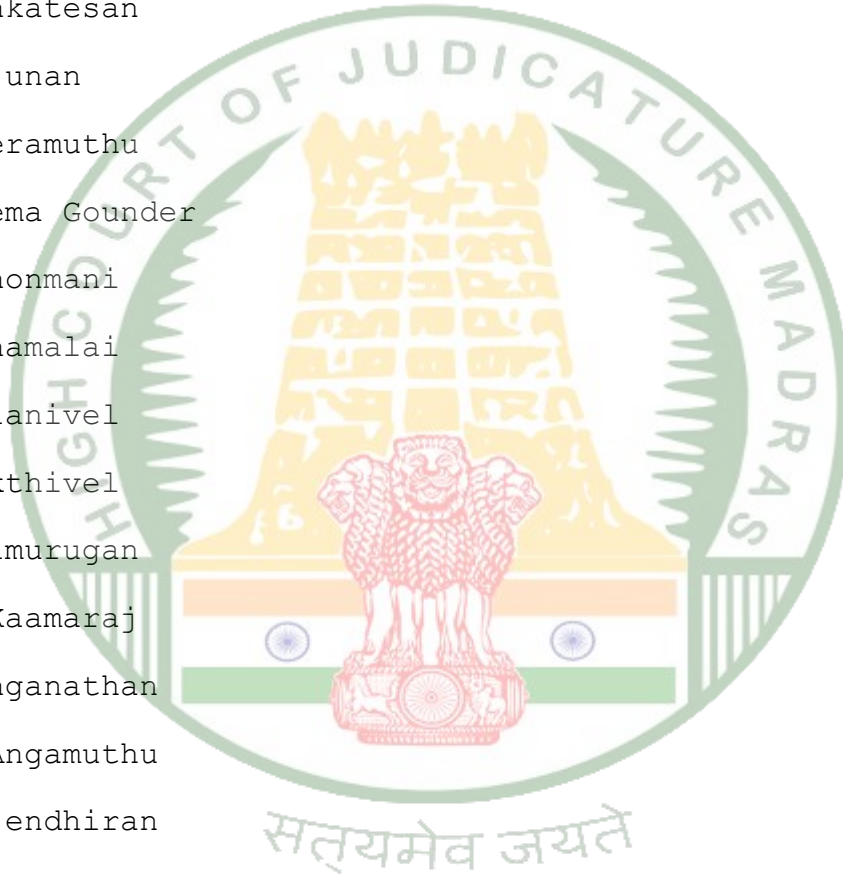
17 Narayanan

18 K.P.Murugan

19 A.Vilvaraj @ Viswaraj

20 D.Ganesan

21 K.Selvakumar



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22 C.Krishnan
23 Chinnammal
24 P.Vadivel
25 N.Manivannan

[PETITIONERS]

Vs.

1 The District Collector,
Salem District, Salem.
2 The Superintending Engineer GCC/ Salem
TANTRANSCO General Construction Circle/ Salem
Kamaraj Nagar Colony, Athur Bypass
Salem-14, Salem District.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus, to direct the 1st respondent to consider the representations of the petitioners 1 to 5, 9 to 15, 18 to 20 and 22 to 25 dated 21.12.2015 the petitioners 6, 7, 8, 16 and 17 dated 31.8.2015 and the 21st petitioner dated 25.9.2015 with respect to fixing of the compensation towards damages being caused by erecting electric transmission towers and drawing high voltage transmission lines in and across their lands and issue of directions to the 2nd respondent to pay the compensation that would be fixed by him and pass necessary orders in the light of the guidelines issued by the Government of India Ministry of Power New Delhi in the Letter reference NO.3/7/2015 dated 15.10.2015 within the time that may be fixed by this Court and forbear the second respondent and his subordinate from erecting towers and drawing high voltage transmission lines in and across the petitioners' lands, till the passing of the orders by the first respondent.

For Petitioners : Mr.P.Mani

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

Mr.S.K.Rameshuwar - R2

O R D E R

Heard Mr.P.Mani, learned Counsel appearing for the petitioners, Mr.R.Rajeswaran, learned Special Government Pleader

accepting notice for the first respondent and Mr.S.K.Rameshuwar, learned Standing counsel appearing for the second respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioners are the land owners and they have approached this Court for their legitimate claim for compensation on account of the damages said to have been caused to their property because of the erection of electricity transmission powers and drawl of high voltage transmission lines across the lands.

3.The first of the representation has been made by few of the petitioners viz. petitioners 6, 7, 8, 16 and 17 dated 31.08.2015, the second representation by the 21st petitioner dated 25.09.2015 and thereafter, on 21.12.2015, a comprehensive representation has been given by the petitioners 1 to 5, 9 to 15, 18 to 20 and 22 to 25.

4.The learned counsel for the petitioners has drawn the attention of this Court to the guidelines issued by the Government of India, Ministry of Power dated 15.10.2015, which has laid down the procedure to be followed for payment of compensation towards the damages with regard to the right of way for transmission lines.

5.In fact, the guidelines have been framed based on the recommendations by a Committee constituted under the Chairmanship of the Special Secretary, Ministry of Power. The learned Special Government Pleader on instructions submitted that the first respondent would consider the petitioners representations' on merits and in accordance with law.

6.Taking into consideration of the fact that already electricity transmissions towers have been erected on the lands in question and the high voltage transmissions lines have been drawn, it is but appropriate for the first respondent to consider the claim made by the petitioners, in accordance with the guidelines (if applicable) and pass orders on merits and in accordance with law.

7.Accordingly, the first respondent is directed to consider the representations submitted by the petitioners 6, 7, 8, 16 and 17 dated 31.08.2015, the second representation by the 21st petitioner dated 25.09.2015 and thereafter, the comprehensive representation dated 21.12.2015, submitted by the petitioners 1 to 5, 9 to 15, 18 to 20 and 22 to 25 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of on the above terms. No costs.

pa

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Collector,
Salem District, Salem.
 2. The Superintending Engineer GCC/ Salem
TANTRANSCO General Construction Circle/ Salem
Kamaraj Nagar Colony
Athur Byepass, Salem-14,
Salem District.
- + 1 cc to Mr.P.Mani, Advocate Sr 4614
- + 1 cc to Mr.S.K.Raameshuwar, Standing Counsel for T.N.E.B.
Advocate Sr 4739
- +1 cc to Govt.Pleader,SR.5488 (6/5/16)

KR/3/2/16

W.P. No.2681 of 2016

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