

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.28601 of 2016

1.R.Rajkumar
2.N.Radhakrishnan
3.N.Devaraj

...Petitioners

-vs-

1.The Government of Tamil Nadu,
rep. by its Secretary,
Energy Department,
Secretariat, Chennai-600 009.

2.Tamil Nadu Transmission Corporation,
(TANTRANSCO), rep. by its Chairman,
N.P.K.R.R.Maligai,
No.144, Anna Salai, Chennai-600 002.

3.The District Collector,
Kancheepuram,
Kancheepuram District.

4.The Superintending Engineer,
Tamil Nadu Transmission Corporation,
General Construction Circle-II,
Guindy, Chennai-600 032.

5.Gammon India Pvt. Limited,
rep. by its Authorised Representative
Eswarankoil Street, Southpakkam,
Melmaruthaur,
Kancheepuram District-603 319.

6.XS Real Groups,
New No.12, South Mada Street,
Srinagar Colony,
Saidapet, Chennai-600 015.

7.D.Meena

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 5 to consider the proposal of making certain

meagre deviations in putting towers in the petitioner's lands more particularly described in the petition schedule in consonance with the deviations made in respect of the lands owned by respondents 6 and 7 without claiming any differential costs by treating the petitioners on par with respondents 6 and 7.

For Petitioners : Mr.R.Dhanaram for
Mr.G.Ethirajulu

For Respondents : Mr.M.Elumalai,
Government Advocate for R1 and R3
Mr.Abdul Saleem for R2 and R4

ORDER

This writ petition has been filed by the petitioners seeking a writ of Mandamus directing respondents 1 to 5 to consider the proposal of making certain meagre deviations in putting towers in their lands more particularly described in the petition schedule in consonance with the deviations made in respect of the lands owned by respondents 6 and 7 without claiming any differential costs by treating the petitioners on par with respondents 6 and 7.

2.Learned counsel for the petitioners would submit that the petitioners are Agriculturists having agricultural land in S.No.585 wet land in Patta No.738 to an extent of acre 1.91 cents, S.No.357/1, 361/2A2, 390/2 to extent of acre 1.02 cents and S.No.442/3, 443/2, 451/3 to an extent of acre 1.57 cents situated respectively at Kayar Village, Thiruporur Taluk, Kancheepuram District and all of them are doing agricultural operations for the past several years. He would further submit that the second respondent has issued a notification for erection of transmission lines of 400 KV from Kalivanthapattu to Ottiyampakkam. After the publication of the notification in English Newspaper, the fifth respondent herein proceeded with the execution of the work. Since a portion of the transmission line is going through Vembedu and Kayar Villages in Thiruporur Taluk, Kancheepuram District to a length of 24 k.m. connecting Kalivanthapattu to Ottiyampakkam at a cost of Rs.31.2 crores, they started digging pits upto 20 feet deep in various places. Since the high tension service line comes upto S.No.584, which belongs to the 1st petitioner and his mother and the transmission line was deviated in order to avoid passing through the aforesaid lands situated in S.Nos.600/1 to 600/5 and 599/1 and 599/2, the petitioners objected to the same and requested to re-align the transmission line not to make any deviation which will affect the petitioner's source of livelihood as they are eking

out the same only from the agricultural line. As there was no response, the petitioners are before this Court.

3.Learned counsel appearing for the Electricity Board drawing the notice of this Court to para 4 of the counter filed by respondents 2 and 4, would submit that the proposed tower to be laid in the petitioners' land can be erected in one end of the proposed location without changing the alignment instead of being erected in the centre of property, subject to technical feasibility and disclosure of boundaries to the property.

4.Relevant paragraph 4 of the affidavit filed by R2 and R4 is given as under:

"4.I submit that the proposed tower to be laid in the petitioners land, instead of being erected in the center of property can be erected in one end of the proposed location without changing the alignment and subject to technical feasibility and disclosure of boundaries to the property."

5.Since the learned counsel for the petitioners agreed to the said proposal made by the respondents, recording the said submission made by the respondents in para 4 of the affidavit, this writ petition stands closed. Consequently, connected W.M.P. is closed. No costs.

6.It is open to the petitioners to make appropriate application for receipt of the compensation that has been deposited as could be seen from para 6 of the affidavit filed on behalf of R2 and R4. With regard to the quantum of compensation, this Court is not inclined to deal with into the matter.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Government of Tamil Nadu,
The Secretary,
Energy Department,
Secretariat, Chennai-600 009.

2.Tamil Nadu Transmission Corporation,
(TANTRANSCO), The Chairman,
N.P.K.R.R.Maligai,
No.144, Anna Salai, Chennai-600 002.

3.The District Collector,
Kancheepuram,
Kancheepuram District.

4.The Superintending Engineer,
Tamil Nadu Transmission Corporation,
General Construction Circle-II,
Guindy, Chennai-600 032.

+lcc to Mr.Ethifaj, Advocate, S.R.No.73731

+lcc to Mr.Abdul Saheem, Advocate, S.R.No.73846

+lcc to the Government Pleader, S.R.No.73779

RP(CO)
RS(31/01/2017)

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