

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 33633 of 2016

&

W.M.P. No. 29002 of 2016

Ramasamy

...Petitioner

Vs.

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai.

2. The District Collector,
Collector Office,
Coimbatore.

3. The Superintending Engineer,
TANGEDCO, TATABAD,
Coimbatore.

...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to inspect the petitioner's property situated in Survey No. 01/2C & 2D, Kemmarampalayam Village, Mettupalayam Taluk, Coimbatore District to fix compensation and consequently, consider the petitioner's representation dated 17.09.2016.

For Petitioner :: Mr.A. Sathishkumar

For Respondents :: Mr.C. Manishankar,
Addl. Advocate General
assisted by
Mr.S.K. Raameshuwar for
R1 and R3
Mr.M. Elumalai,
Govt. Advocate for R2

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to inspect the petitioner's property situated in Survey No. 01/2C & 2D, Kemmarampalayam Village, Mettupalayam Taluk, Coimbatore District to fix compensation and consequently, consider the petitioner's representation dated 17.09.2016.

2. The petitioner is said to be having 1.51 acres of land in S.F. No.1/2 at Kemmarampalayam Village, Mettupalayam Taluk, Coimbatore District and he is said to be cultivating plantain trees in the said land. According to the petitioner, out of the total extent of 1.51 acres of land, 75 cents have become unfit for effective cultivation since a High Tension Line is passing through the said extent of land. While so, in the month of February, 2015, a new HT line was sought to be erected through the petitioner's land. Therefore, the petitioner filed O.S. No. 285 of 2015 against the respondents before the District Munsif Court, Mettupalayam, for a permanent injunction restraining the respondents from erecting the new HT line. Though the suit is pending, the respondents are bent upon entering into the property of the petitioner to erect the new HT Line. Subsequently, on 11.08.2016, the 2nd respondent passed an order directing the 3rd respondent to pay full compensation only for material and crop damages and thereafter, to initiate erection of electric poles in the petitioner's land. Though the petitioner submitted a representation dated 17.09.2016 to the respondents seeking compensation and not to erect any high tension electric tower through his property, no steps were taken by the respondents. Hence, the petitioner has come forward with the present writ petition.

3. Heard Mr.A. Sathishkumar, learned counsel for the petitioner and Mr.C. Manishankar, learned Additional Advocate General, assisted by Mr.S.K. Raameshuwar, learned Standing Counsel for respondents 1 and 3 and Mr.M. Elumalai, learned Government Advocate for the 2nd respondent.

4. Firstly, when it is an admitted fact that the petitioner has filed a suit in O.S. No. 285 of 2015 before the Court of District Munsif, Mettupalayam, for a permanent injunction, he ought not to have filed this writ petition after submitting a representation to the respondents. Secondly, as rightly pointed out by the learned Additional Advocate General, the new HT Line, which is sought to be erected, would occupy a lesser area when compared to the existing one. The relevant details, in this regard, are extracted hereunder:

"Existing Corridor Length	::	203.13ft (61m)
Existing Corridor Width	::	39.96 ft (12m)
Existing Corridor Area	::	203.13 x 39.96
		= 8117.01sq.ft
		= 18.617 cent
Existing Tower Occupied Area	::	15.651 x 15.651
		= 244.95 sq.ft
		= 0.5618 cent
New Corridor Length	::	203.13ft (61m)
New Corridor Width	::	29.803ft (8.95m)
New Corridor Area	::	203.13 x 29.803
		= 6053.98 sq.ft
		= 13.885 cent
New Tower Occupied Area	::	15.651 x 15.651
		= 244.95 sq.ft
		= 0.5618 cent"

From the above extract, it is clear that by virtue of replacement of 230 KV Single Circuit Line in existence, by new 230 KV Double Circuit Line, the existing corridor width, which is 39.96ft (12m) would be reduced to 29.803 ft (8.95m); the existing corridor area, which is 18.617 cent would be reduced to 13.885 cent and the proposed replacement will be only beneficial to the petitioner and no loss will be caused to the petitioner. In such circumstances, the relief sought by the petitioner cannot be granted, excepting a direction to the respondents to pay the applicable compensation to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. It goes without saying that the petitioner shall co-operate with the respondents and in the event of any resistance from the petitioner, the respondents are well within their right to seek police assistance.

5. The writ petition is disposed of with the above direction. No costs. Connected W.M.P. s are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai.
2. The District Collector,
Collector Office,
Coimbatore.
3. The Superintending Engineer,
TANGEDCO, TATABAD,
Coimbatore.

+1cc to Mr.S.K. Raameshuwar, Advocate, S.R.No.62589
+1 CC to Mr. N. Chinnaraj, Advocate SR.No.63057 (07/11/2016)
+1 CC to government Pleader Sr.No.63571 8/11/2016

ctr (CO)
md (04/11/2016)

W.P. No. 33633 of 2016



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