

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.10.2016

CORAM

The Honourable MR. JUSTICE N.KIRUBAKARAN

W.P. No. 35994 of 2016
and WMP No.30951 of 2016

Mr.Munirathnam Naidu

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Petitioner

Vs

1.The Collector,
Vellore District,
Vellore.

2.The Executive Engineer,
Transmission Line Construction,
Tamilnadu Electricity Board,
Thirupattur, Salem District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 2nd respondent not to lay second transmission line on the petitioner's land in Survey Nos.337/1C, 337/1B, 337/1H, 337/1G & 337/1E situated at Vaniyampet Village, Arakkonam Taluk, Vellore District without due process of law and consequentially direct the 1st respondent to fix the compensation amount as on date market value for the transmission line and pole erected 10 years back on the petitioner's land in Survey Nos.337/1C, 337/1B, 337/1H, 337/1G and 337/1E situated at Vaniyampet Village, Arakkonam Taluk, Vellore District.

For Petitioner : Mr.P.Krishnan

For R-1 : Mr.P.V.Selvakumar

For R-2 : Mr.M.Varunkumar

O R D E R

The petitioner is the owner of the land situated in Vaniyampet Village comprised in Survey Nos.337/1C, 337/1B, 337/1H, 337/1G & 337/1E. In the above said properties, lay out has been made in the name of Balamurugan Nagar. About ten years

ago, the second respondent had laid High Transmission line and a pole was erected in Survey No.337/1C and the line passes through rest of the lands mentioned above. Though the transmission line passes through the land measuring about 10000 sq.ft., so far no compensation has been given to the petitioner.

2. When things stand so, the second respondent has proposed to lay another transmission line through the same pole and therefore the petitioner objected and sent a letter on 14.09.2016 to the respondents. In spite of that, the second respondent is trying to draw new line and hence the petitioner has approached this Court by way of this writ petition.

3. Heard Mr.P.Krishnan, learned counsel appearing for the petitioner, Mr.P.V.Selvakumar, learned counsel appearing for the first respondent and Mr.M.Varunkumar, learned standing counsel who takes notice on behalf of the second respondent.

4. It is not a new transmission tower which is to be erected by the respondents. Even according to the petitioner, in para 4 of the affidavit, it is mentioned that High Transmission Line was laid ten years ago and one line alone was strung whereas another line is sought to be stringed using the very same tower. Therefore, it cannot be called as a new transmission tower. When the petitioner has not already objected earlier while laying the transmission tower, it is not open to the petitioner to object it now for using the same tower.

5. As regards to the claim made putting forth the contention that an approval has been made for layout, the same could not have been granted, especially when High Transmission Line passes through the said property. Though the second respondent erected the tower and the string by way of one line, the new line is sought to be stringed now and therefore the compensation has to be paid to the petitioner as per the guidelines notified by the Government of India, by order dated 15.10.2015.

6. Since the petitioner had already made a representation to the respondents on 14.09.2016 claiming compensation, the first respondent is directed to determine the compensation as per the guidelines notified by the Government of India, by order dated 15.10.2015 and pay the same to the petitioner, within a period of twelve (12) weeks from the date of receipt of a copy of this order. However, it is made clear that there is no prohibition for

the second respondent to enter upon the properties of the petitioner and draw the new High Transmission line from the pole which has already been erected.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

rgr

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Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1.The Collector,
Vellore District,
Vellore.

2.The Executive Engineer,
Transmission Line Construction,
Tamilnadu Electricity Board,
Thirupattur, Salem District.

+1 C.C. to MR.P.KRISHNAN Advocate SR.NO.58386

+1 C.C. to MR.M.VARUNKUMAR Advocate SR.NO.58427

+1 C.C. to The Government Pleader, High Court, Madras
SR.NO. 58553

सत्यमेव जयते

W.P.No.35994 of 2016

EV (CO)

VS 12.11.2016

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