

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.NO.31649 OF 2015
AND M.P.NO.1 OF 2015

K.C.Sukumaran

... Petitioner

Versus

- 1.The Secretary to Government
Energy (A1) Department
Secretariat, Chennai - 600 009.
- 2.The Chairman / Managing Director
Tamilnadu Electricity Generation and
Distribution Corporation, TANGEDCO
144, Anna Salai, Chennai - 600 002.
- 3.The Chief Engineer
Distribution, Chennai North Region,
Tamilnadu Electricity Generation and
Distribution Corporation, TANGEDCO
144, Anna Salai,
Chennai - 600 002.
- 4.The Superintending Engineer
Operation - I / Chennai
Tamilnadu Transmission Corporation
TANTRANSCO, Korattur 230 KV SS Complex,
Chennai - 600 054.
- 5.The Assistant Engineer
Operation & Maintenance
Tamilnadu Electricity Generation and
Distribution Corporation
TANGEDCO / CEDC / WEST
Veerapuram,
Chennai - 600 055.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the first respondent in Letter No.250/A1/2015

dated 19.03.2015 and quash the same and consequently direct the 1st and 2nd respondents to pay compensation to the petitioner as per the market value for the entire landed property at Plot No.16, Vellanur Sri Vinayagapuram Extension, No.38, Vellanur Village, Ambattur Taluk, Tiruvallur District comprised in S.No.16/3 to the extent of 2982 sq.ft.

For Petitioner : Mr.D.V.Rao
For Respondent-1: Mr.S.Diwakar
Special Government Pleader
For Respondents
2 to 5 : Mr.P.R.Dhilipkumar

O R D E R

In pursuant to a publication made in the newspaper having wide circulation in the locality, a notification for the erection of sub-station was made in the year 2006. A Government Gazette was also published on 27.07.2005, in this regard. At the time of technical study, there was no building, compound wall, fencing, agricultural forming or any other activities were found. Accordingly, the line was laid as per the provisions contained under Section 164 of the Electricity Act, 2003 read with Section 10 of the Telegraph Act, 1885.

2. The petitioner made a representation in the year 2014 and thereafter, in the year 2015 alleging that the line has been drawn without his consent and he came to know it only in the year 2012 and therefore, he is entitled for compensation.

3. The order impugned was passed in pursuant to the direction issued by this Court in W.P.No.32699 of 2014 dated 12.12.2014, rejecting the request made by the petitioner. Challenging the same, the present writ petition has been filed.

4. The learned counsel for the petitioner would submit that as per the circular dated 15.10.2015, issued by the Joint Secretary, Government of India, Ministry of Power, New Delhi, the petitioner is entitled for the relief sought for.

5. The said contention cannot be accepted by this Court for more than one reason. The line was laid between January 2006 and June 2006. Therefore, the circular cannot be relied upon by the petitioner having issued on 15.10.2015. The petitioner did not raise any objection at the relevant point of time. His first representation was in the year 2014. The law also does not mandate service of notice on the petitioner. It merely states compensation for usage, if any, which cannot be termed as acquisition of land. The petitioner has come before this Court nearly a decade, after the towers have been laid.

6. In such view of the matter, this Court is not inclined to set aside the order impugned in this writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

TK

To

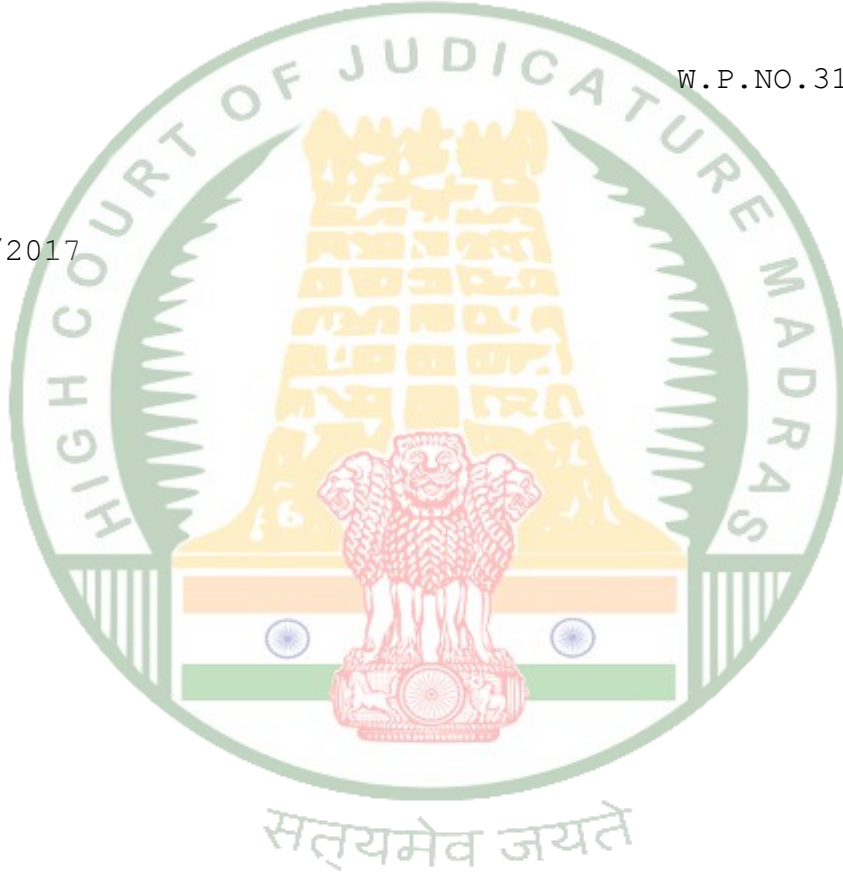
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+lcc to Mr.D.V.Rao, Advocate Sr.21765
+lcc to Mr.P.R.Dhilipkumar, Advocate Sr.21499

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