

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2017

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THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.19775 of 2017 and
W.M.P.Nos.21347 & 21348 of 2017

R.Suresh Kumar

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep by its Principal Secretary,
Energy Department, Fort St.George,
Secretariat, Chennai - 600 009.
 2. The Chairman,
Tamil Nadu Transmission Corporation Limited,
NPKRR Maligai, No.144, Anna Salai,
Chennai - 600 002.
 3. The District Collector,
Erode Collectorate Office,
Perundurai Road, Erode - 638 011.
 4. The Chief Engineer,
TNEB, Transmission Line Construction,
Trichy - 20.
 5. The Superintendent Engineer,
TNEB, Transmission Line Construction,
Coimbatore - 12.
 6. The Executive Engineer,
TNEB, Transmission Line Construction,
TANTRAN SCO, Ingur-PO,
Perundurai, Erode District - 638 058.
- ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus forbearing the 6th respondent and his subordinates from entering the petitioner's lands, erecting high voltage electricity transmission towers in the petitioner's lands and drawing high voltage electricity transmission lines across the petitioner's agricultural land comprised in S.F.No.366/1 measuring an extent of 2.18.00 hectares and in S.F.No.367/1 measuring an extent of 0.75.0

hectares, totally measuring an extent of 7.17 acres situated at Ingur Village, Sengulam, Perundurai Taluk, Erode District and the 3rd respondent from according permission to the 6th respondent and his subordinates to enter the petitioner's said lands to "erect high voltage electricity transmission towers and draw high voltage electricity transmission lines across the petitioner's said lands without determining and paying full and fair compensation or rent or both particularly as per the guidelines issued by the Government of India, Ministry of Power, New Delhi and in the light of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

For Petitioner : Mr.V.Kadhirvelu

For Respondents : Mr.R.Venkatesh,

Government Advocate (R1 & R3)

Mr.S.K.Rameswar,

Standing Counsel (TNEB) (R2, R4 to R6)

O R D E R

Mr.R.Venkatesh, learned Government Advocate takes notice for the respondents 1 & 3 and Mr.S.K.Rameswar, learned Standing Counsel takes notice for the respondents 2, 4 to 6. By consent, the main Writ Petition is taken up for disposal at the admission stage itself.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus forbearing the 6th respondent and his subordinates from entering the petitioner's lands, erecting high voltage electricity transmission towers in the petitioner's lands and drawing high voltage electricity transmission lines across the petitioner's agricultural land comprised in S.F.No.366/1 measuring an extent of 2.18.00 hectares and S.F.No.367/1 measuring an extent of 0.75.0 hectares, totally measuring an extent of 7.17 acres situated at Ingur Village, Sengulam, Perundurai Taluk, Erode District and the 3rd respondent from according permission to the 6th respondent and his subordinates to enter the petitioner's said lands to "erect high voltage electricity transmission towers and draw high voltage electricity transmission lines across the petitioner's said lands without determining and paying full and fair compensation or rent or both particularly as per the guidelines issued by the Government of India, Ministry of Power, New Delhi and in the light of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

3. When the matter is taken up for hearing, Mr.S.K.Rameswar, learned standing counsel for the respondents 2, 4, 5 & 6 submitted the dispute has been referred to the 3rd respondent, the District Collector as early as on 20.04.2017. However, the 3rd respondent has not passed any order so far.

4. Mr.R.Venkatesh, learned Government Advocate appearing for the respondents 1 & 3 submitted that the 3rd respondent may be directed to pass orders on the reference made by the parties in accordance with law.

5. In view of the submissions made by the learned counsel on either side, I direct the 3rd respondent to pass orders on the reference made by the petitioner as well as by the TANGEDCO under Section 16 of the Indian Telegraph Act within a period of four weeks from the date of receipt of a copy of this order, after giving opportunity of hearing to all the interested parties.

6. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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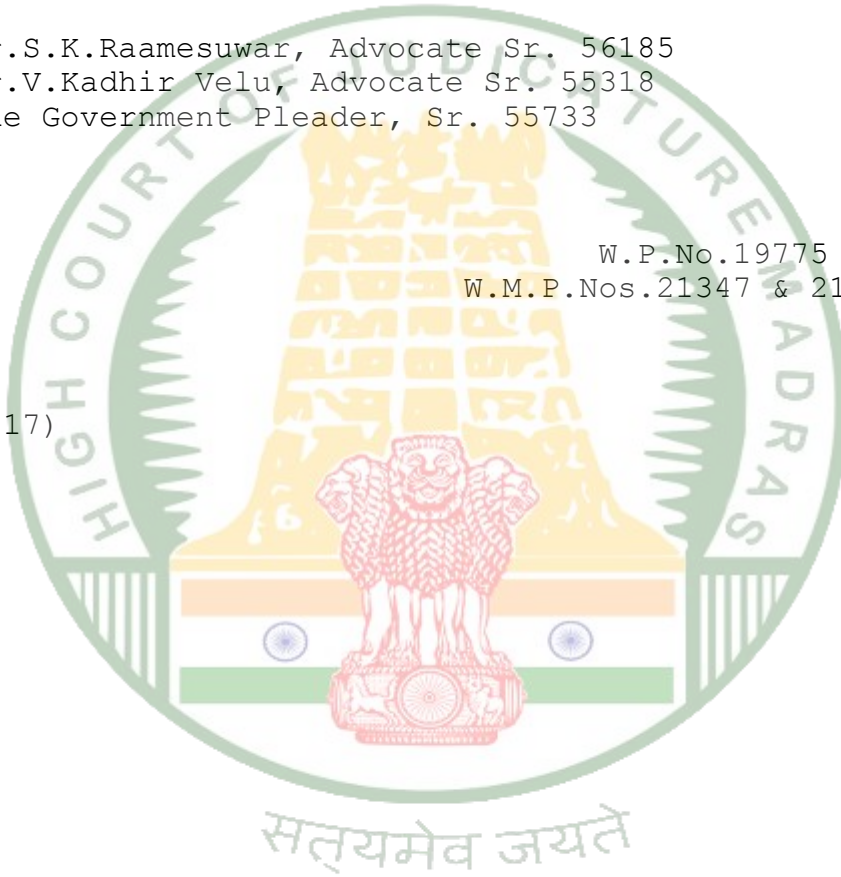
1. The Principal Secretary,
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+1cc to Mr.S.K.Raamesuwar, Advocate Sr. 56185
+1cc to Mr.V.Kadhir Velu, Advocate Sr. 55318
+1cc to the Government Pleader, Sr. 55733

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AR(IV)
VR(17/8/2017)



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