

In the High Court of Punjab & Haryana at Chandigarh.

CWP-16813 of 2016

Date of decision: 09.05.2017

Jagdish Singh and others

..... Petitioners.

V/S

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Jagdeep Singh Rana, Advocate for
Mr. Vinod S. Bhardwaj, Advocate for the petitioners.

Mr. R.K.Singla, AAG, Haryana.

Mr. I.S.Sidhu, Advocate for respondent No.2.

Mr. Chetan Mittal, Sr. Advocate with
Mr. Varun Issar, Advocate for respondents No. 4 and 5.

M.M.S. BEDI.J.(ORAL)

The petitioners are the residents of village Keorak, Tehsil and District Kaithal (Haryana). Through the instant petition, they have sought issuance of a writ in the nature of mandamus restraining the respondent-authorities from carrying out the work of execution of erection and commissioning of the power project, without payment of compensation under the relevant guidelines and the provision of Telegraph Act.

Vide order dated 31.01.2017, a direction was issued to respondent No.2 to deposit a sum of Rs. 50 lacs with the District Collector, Kaithal, as interim compensation to be disbursed to the petitioners or other similarly circumstanced affected persons, within a period of one week and it was also directed that on deposit of the said amount, respondent No.2-Corporation would be entitled to carry on the further construction and activity of completion of the project, without prejudice to the rights of the petitioners for disbursement of the claim of compensation, in accordance with

law.

The rights of the petitioner have been safeguarded by the decision that has been taken by the Deputy Commissioner, Kaithal vide order dated 18.04.2017 for calculation of the compensation as per the parameters mentioned in the order. Copy of the order has been taken on record as "Mark-A". Operative part pertaining to the parameters of calculation of compensation as mentioned in order dated 18.04.2017 is reproduced as under :-

In compliance of these orders a meeting was also held on 12.04.2017 with Manager and Deputy Manager of Power Grid Corporation, Kaithal. Manager Power Grid Corporation submitted Guidelines dated 15.10.2015 issued by the Ministry of Power, New Delhi. He further intimated that No guideline have been issued by the state of Haryana uptillnow.

According to the above said instructions Parameters for calculation of compensation are as under:-

(4) Compensation @ 85% of land value as determined by the District Magistrate or any other authority based on circle rate/guideline value/stamp Act rates for tower base area (Between four legs) impacted severely due to installation of tower/Pylon structures.

(5) Compensation towards diminution of land value in the width of Right of way (ROW) corridor due to laying of transmission line and imposing certain restrictions would be decided by the states as per categorization/type of land in different places of state subject to a maximum of 15% of land value as determined based on circle rate/guideline value/Stamp Act rates.

(6) The amount will be payable only for transmission lines supported by a tower base of 66 KV and above and not

for sub transmission and distribution line below 66 K.V. Collector rate for the Agriculture land of village Keorak for the year 2016-17 were fixed at Rs. 22.50 lakhs per acre. So the rates of compensation are fixed as under please:-

4) Rs. 1912500-00 Per acre will be paid for tower base area (between four legs) due to installation of tower structure.

5) Rs. 337500-00 per acre will be paid in the width of Right of way (ROW) corridor due to laying of transmission line as per actual area coming under the conductor subject to the condition that the final compensation will be paid in accordance with the decision of the state Govt.

6) Rs. 15000/- per acre will be paid to the land owner for the damage to crops along the passage used for the transportation of men and material to the location sites. Compensation will be calculated and paid to the rightful landowners by the officials/officers of Power Grid Corporation, Kaithal after drawing from this office.

In view of the above said decision taken on behalf of the State of Haryana, this petition has apparently become infructuous having outlived its utilities.

Petition is disposed of as having rendered infructuous without prejudice to the rights of the petition to seek compensation/enhancement as per parameters and in case the parameters are not felt reasonable, it will be open to the petitioners to challenge the same in accordance with law.

09.05.2017
smriti

(M.M.S. BEDI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No