

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018
CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 14498 of 2018
WMP.No.17106 of 2018

Thirupathy

...Petitioner

Vs

1. The District Collector,
Dharmapuri,
Dharmapuri District.
2. The Tashildar,
Karimangalam Taluk,
Dharmapuri District.
3. Power Grid Corporation of India Ltd,
Tharamangalam Road,
Rep by Assistant General Manager,
K.R.Thoppur,
Salem District - 636013.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in communication/Reply Notice dated 14.12.2017 vide reference No.SR-II/HVDC/TPR/TLC/2017 and quash the same and consequently direct the third respondent to consider the petitioner's representation dated 21.11.2017 in accordance with law.

For Petitioner : Mr.R.Krishnan

For Respondents : M/s.Janaki,
Additional Government Pleader
For R1 & R2

Mr.R.Thiyagarajan, Senior Counsel
for M/s.Aiyar and Dolia for R3

O R D E R

The order of rejection dated 14.12.2017 issued by the Assistant General Manager, Power Grid Corporation of India Ltd / 3rd respondent is under challenge in this present writ petition.

2. The learned counsel for the petitioner states that the petitioner is residing at Uchampatti Village, Thindal Post, Karimangalam Taluk, Dharmapuri District. The petitioner is the absolute owner of the said property, wherein he resides. The officials of the respondents informed the writ petitioner that they are going to commence Central Power Project for the purpose of laying transmission lines from Raigarh (Chattisgarh) to Pugalur (State of Tamil Nadu),

3. The grievances of the writ petitioner is that laying of transmission line falls above his building which causes hindrance for the development of his own property. Thus, the writ petitioner is constrained move the present writ petition.

4. The learned counsel for the petitioner further states that in the event of laying such high voltage transmission lines over and above the Pakka building constructed by the writ petitioner, the rights of the writ petitioner will be affected. This apart, the writ petitioner has not given any consent for laying any such Transmission line above his building.

5. The learned senior counsel appearing on behalf of the 3rd respondent disputed the contentions raised on behalf of the writ petitioner by stating that the transmission lines are proposed to be laid for the length of about 1843 Kilometres from Raigarh (Chattisgarh) to Pugalur (State of Tamil Nadu), out of which, 345 Kilometres are falling within the territorial Jurisdiction of the State of Tamil Nadu. The learned Senior Counsel further informed that the major beneficiaries are the people of the State of Tamil Nadu and therefore, maximum care has been taken to give protection to all concerned and to utilise the power supply for the benefit and the Welfare of the State at large. Further, it is urged that the petitioners building is not at all falling in the line and the building belongs to the petitioner situates adjacent to the proposed laying of transmission lines. This apart, adequate safety measures are taken to protect the interest of all the people, who all are residing in that locality. The experts, while submitting proposals had taken care of the inconvenience, if any caused to the local people and avoided all such inconvenience to the maximum possible. The transmission line is proposed by adopting the techno economically feasible considerations. The project is being implemented only on the expert opinion and by the persons, who all are well versed in this field.

6. Thus, an assurance is made before this Court that adequate measures are already taken to protect the interest of the people, who all are reside in the particular locality, wherein the transmission lines are laid and therefore the order of rejection is in accordance with the procedures as

contemplated and the rules in force.

7. This Court is of an opinion that undoubtedly, it is a Welfare project implemented for the benefit of the people at large. Public interest is of paramount importance and a policy decisions taking, if it is otherwise unconstitutional, can never be interfered with by the Courts. When the learned Senior Counsel appearing on behalf of the 3rd respondent informed this Court that all latest technological aspects are being followed by the experts for the purpose of laying transmission lines in that particular area, there cannot be any inconvenience to the people of that locality. Maximum care has been taken to protect the interest of all concerned. This apart, the policy decision is taken in order to provide Electricity power supply to the larger extent for the benefit of the State of Tamil Nadu.

8. Under these circumstances, this Court is of an opinion that the decision taken in this regard is to be construed as a policy decision and the Court cannot interfere unless the petitioner is able to establish that such a decision is perverse or unconstitutional.

9. The map submitted by the respondents also establishes that the building belongs to the writ petitioner is not falling under the transmission lines laid by the Grid Corporation. This being the factum of the case, the writ petitioner cannot be construed as an aggrieved person. If at all, the petitioner is aggrieved and the authorities is of an opinion that if any damages caused to the property of the writ petitioner, then suitable compensation can be claimed as per the rules in force.

10. Thus, the writ petitioner has not established any acceptable ground for the purpose of considering the relief as such sought for in the present writ petition and the order impugned is not in firm.

11. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kak/kmm

To

1. The District Collector,
Dharmapuri,
Dharmapuri District.

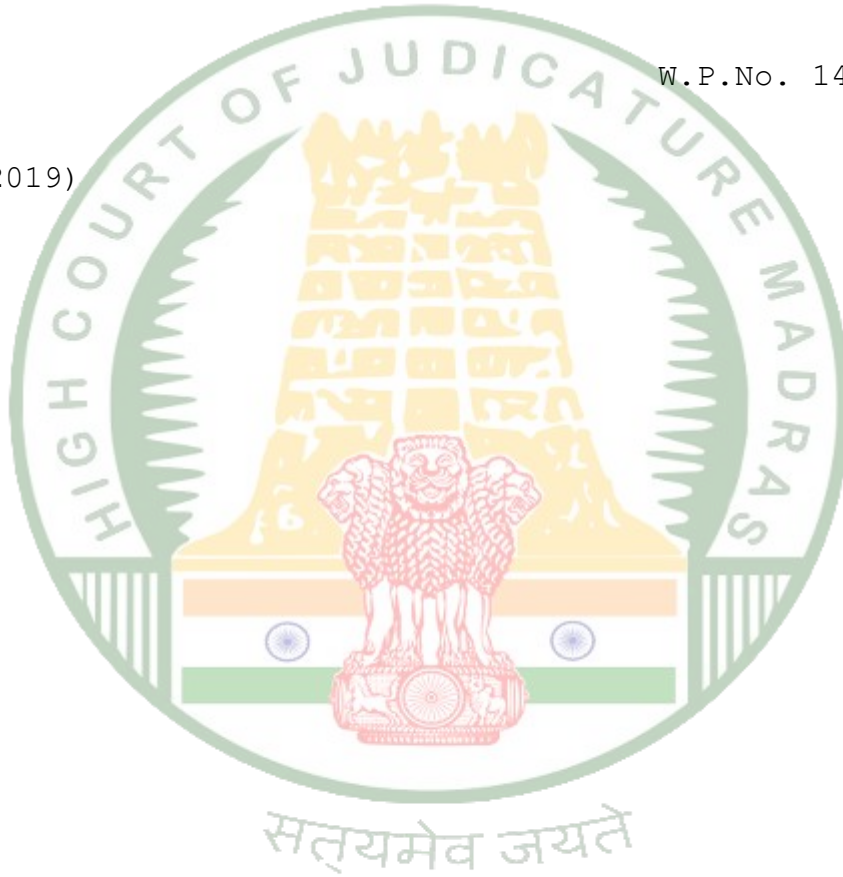
2. The Tashildar,
Karimangalam Taluk,
Dharmapuri District.

+1 CC to Govt. Pleader sr 84424.

+1 CC to M/s. Aiyar and Dolia, Advocate sr 84510.

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KAN(CO)
SP(23/01/2019)



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