

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.19120 of 2018

N.Adhilakshmi

.. Petitioner

Vs.

1.The State of Tamil Nadu
rep by its Secretary
Department of Energy,
Fort St.George, Chennai - 600 009.

2.The Chairman,
Tamil Nadu Transmission Corporation,
TANTRASCO,
No.144, Anna Salai, Chennai - 600 002.

3.The Chief Engineer,
Transmission Project,
Manali-Thervoy Kandigai,
TANTRASCO,
A-10, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 600 032.

4.The Superintending Engineer,
Transmission Project,
TANTRASCO/TNEB,
A-10, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 600 032.

5.The District Collector,
Thiruvallur District,
Office of the District Collector,
Thiruvallur.

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of mandamus directing the
respondents to pay the compensation for the damage caused during
the erection and drawing of the electric wire of 400 KV of high
tension of electric transmission wire and impairing the land and
making it beyond use of the petitioner land in Survey Nos.93-2,
93-5c, 93-7, 93-B, 93-9A, 93-10A, 95-1B,96A, 97-1B, 97-2B of

No.93 Kottakuppam Village, Othukottai Taluk, Trivellore District together with interest at the rate of 12% per annum from the date of the erection of the tower on 19.05.2017 till the date of making the payment of the petitioner.

For Petitioner : Mr.M.L.Ramesh

For Respondents : Mr.P.Rajalakshmi,
Additional Government Pleader (R1 & R5)

Mr.P.R.Dhilip Kumar,
Standing Counsel (R2 to R4)

O R D E R

The petitioner claiming to be the owner of the land in Survey Nos.93-2, 93-5c, 93-7, 93-B, 93-9A, 93-10A, 95-1B,96A, 97-1B, 97-2B of No.93 Kottakuppam Village, Othukottai Taluk, Trivellore District, has filed this Writ Petition seeking a direction to the respondents to pay the compensation for the damage caused during the erection and drawing of the electric wire of 400 KV of high tension of electric transmission wire and impairing the land and making it beyond use, together with interest at the rate of 12% per annum from the date of the erection of the tower on 19.05.2017 till the date of making the payment to the petitioner.

2.The learned counsel for the petitioner submitted that the petitioner has approached this Court by filing a Writ Petition in W.P.No.18069 of 2015 with a prayer to consider her request for payment of compensation and this Court, by order dated 24.06.2015, directed the 2nd respondent therein viz., the Chairman, TANTRANSO, to consider her representation dated 12.06.2015. But the same was rejected on 07.09.2015.

3.Aggrieved by the rejection, the petitioner had filed another Writ Petition in W.P.No.17840 of 2016 questioning the reasons given therein and also objecting the erection of the Tower. The said Writ Petition was disposed of on 08.03.2017 giving liberty to the Corporation to approach District Collector/District Magistrate, who shall exercise power under Section 16 of the Indian Telegraph Act, 1885 and pass orders. The 5th respondent, the District Collector, Tiruvallur District passed orders permitting the 2nd respondent to erect the Tower in the land belonging to the petitioner, but the respondents 2 & 3, till now, had not determined the compensation as per the guideline value.

4.The learned counsel for the petitioner submitted that the 5th respondent may be directed to consider the request of the petitioner for payment of suitable compensation on the basis of the guideline value.

5.The learned standing counsel for the respondents 2 to 4 submitted that now the issue has been settled by issuance of G.O.Ms.No.63 Energy (A1) Department dated 22.11.2017 fixing reasonable compensation payable to the land-losers. The 5th respondent would consider the request of the petitioner based on the said Government Order dated 22.11.2017.

6.The learned Additional Government Pleader appearing for the respondents 1 & 5 also submitted that there is no difficulty for the 5th respondent in considering the request of the petitioner in the light of the G.O.Ms.No.63 Energy (A1) Department dated 22.11.2017 and Circular, if any, within a sufficient time.

7.Recording the above submission, the Writ Petition is disposed of with a direction to the 5th respondent to consider the request of the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
State of Tamil Nadu,
Department of Energy,
Fort St.George, Chennai - 600 009.

2.The Chairman,
Tamil Nadu Transmission Corporation,
TANTRASCO,
No.144, Anna Salai, Chennai - 600 002.

3.The Chief Engineer,
Transmission Project,
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A-10, Thiru-Vi-Ka Industrial Estate,
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4.The Superintending Engineer,
Transmission Project,
TANTRASCO/TNEB,
A-10, Thiru-Vi-Ka Industrial Estate,
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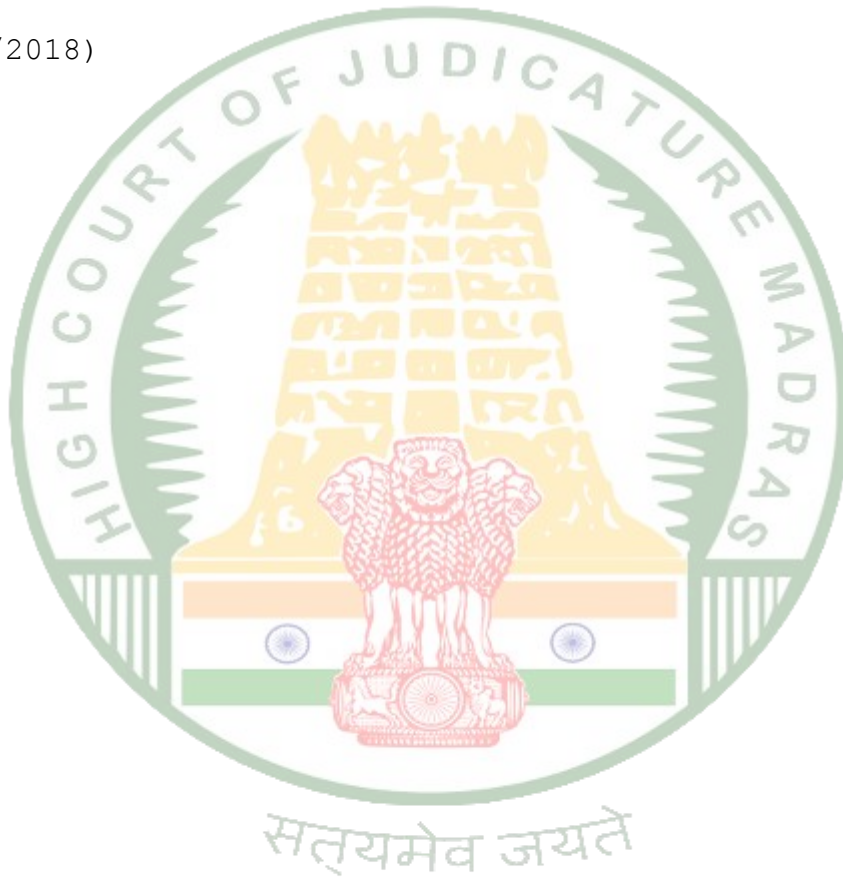
5.The District Collector,
Thiruvallur District,
Office of the District Collector,
Thiruvallur.

+1cc to Mr.M.L.Ramesh, Advocate, S.R.No.50562

+1cc to the Government Pleader, S.R.No.51327

W.P.No.19120 of 2018

KAN(CO)
GSP(16/08/2018)



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