

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN  
and  
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1173 of 2016  
and C.M.P.Nos.15079 and 15080 of 2016

- 1.Ganesan
- 2.Marimuthu
- 3.Sekar
- 4.Vellaiyammal
- 5.Irusapadayachi
- 6.Chinnathambi
- 7.Arumugam
- 8.Chinnusamy@Moorthy
- 9.Sathya
- 10.Venkatachalam
- 11.Ponnan
- 12.Subramani
- 13.Nagarajan

..... Appellants

-vs-

1. The Government of Tamilnadu  
rep. By its Principal Secretary,  
Energy Department, Fort St. George,  
Secretariat, Chennai - 600 009.
2. The Chairman,  
Tamil Nadu Transmission Corporation Limited,  
NPKRR Maaligai, No.144, Annasalai,  
Chennai - 600 002.
3. The District Collector,  
Salem District, Salem.
4. The Superintending Engineer GCC/Salem  
TANTRASNCO  
General Construction Circle/Salem  
Kamaraj Nagar Colony, Athur Bypass,  
Salem - 14, Salem District.

.... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent  
against the order passed in W.P No.25914 of 2016 dated  
27.07.2016.

WP.25914/16:

<https://hcservices.courts.gov.in/hcservices/>

Prayer: Writ petition filed under Article 226 of the

Constitution of India for issue of writ of mandamus forbearing the 4<sup>th</sup> respondent and his Subordinates from entering the petitioner's lands, erecting high voltage electricity transmission towers in the petitioners lands and drawing high voltage electricity transmission lines across the petitioners lands comprised in S.Nos.131/2B, 2D & 2G & 137/3B at Sarkar Vazapadi, S.Nos.131/2B & 137/3B at Sarkar Vazapadi, S.Nos.223/1D1, 223/8 and 223/3F at Thukkiyampalaym, S.Nos.134/14D & 135/10A, 139/1B2, 139/1B1 & 139/1B5, 135/2, 144/2 & 145/1B1, 163/7C, 140/2A, 135/12 & 135/7C, 135/7B and 8 & 9E, Periyakrishnapuram, Pethanaickempalayam Taluk and Salem District and the 3rd respondent from according permission to the 4th respondent and his subordinates to enter the petitioners said lands to erect high voltage electricity transmission towers and draw high voltage electricity transmission lines across the petitioners said lands without determining and paying full and fair compensation of 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 of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Appellants : Mr.P.Mani

For Respondents: Mr.V.Anandamurthy, AGP - R1 & R3  
Mr.M.Vijaya Mehanath  
for M/s.Abdul Saleem - R2 & R4

#### J U D G M E N T

[Judgment of the Court was delivered by  
K.K.SASIDHARAN, J.]

The Writ Petition filed by the appellants for issuance of a Writ of Mandamus forbearing the fourth respondent and his subordinates from entering their lands and erecting high voltage electricity transmission towers was disposed of by the learned single Judge taking into account the submission made by the TANGEDCO that compensation would be determined and it would be paid. Feeling aggrieved the appellants have come up with this intra court appeal.

2. When this appeal came up for hearing on an earlier occasion, learned counsel for the respondents, on instruction, submitted that pursuant to the order dated 27.07.2016, the TANGEDCO computed the compensation payable to the appellants. Feeling aggrieved by this order, the appellants have already filed a Writ Petition in W.P.No.7272 of 2018. The Writ Petition is now pending before the learned single Judge.

3. The order dated 27.07.2016 has already been acted upon by computing the compensation payable to the land owners. There is no question of considering the legality and

correctness of the order passed by the learned single Judge in view of the subsequent events relating to the computation of compensation payable to the land owners.

4. It is open to the appellants to raise all the contentions available to them on law and on facts before the Writ Court in W.P.No.7272 of 2018.

5. The intra Court appeal is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary,  
The Government of Tamilnadu  
Energy Department, Fort St. George,  
Secretariat, Chennai - 600 009.
2. The District Collector,  
Salem District, Salem.

+1cc to Mr.ABDUL SALEEM, Advocate SR.No.51809  
+1cc to Mr.P.MANI, Advocate SR.No.51505  
+1cc to Government Pleader SR.No.51885

W.A.No.1173 of 2016  
and C.M.P.Nos.15079 and 15080 of 2016

KJI (CO)  
SMI/10.08.2018

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