

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.11.2018
CORAM
THE HONOURABLE MR. JUSTICE R. SURESH KUMAR
W.P.No.30119 of 2018

Dr.P.Tamilarasan

...Petitioner

Vs.

1. The Assistant Divisional Engineer,
Tamil Nadu Electricity Board (TANTRANSCO)
High Tension Lines (Erection & Construction),
Rayakotta Road, near Housing Board,
Krishnagiri Town
2. The Superintending Engineer,
Tamil Nadu Electricity Board (TANTRANSCO)
High Tension Lines (Erection & Construction),
Udayapatty, Namakkal Road,
Salem Town.
3. The District Collector,
Krishnagiri District,
Krishnagiri.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus or any other writ, order or direction in the nature of writ, directing the 3rd Respondent to determine the compensation for the land @ 85% of land value for Tower base area (between four legs) and 15% towards diminution of land value in the width of Right of Way (RoW) corridor due to laying of transmission line over the petitioner's land situated in Survey No.311, 310, 309 and 314/1A of Anekollu Village, Denkanikottai Taluk, Krishnagiri District, for erecting high tension towers and high tension lines for the project of energy supply through 400 KVA HT Tower Line from Mettur Thermal Plant to Karnataka and 220 KVA HT Tower line from Udanapalli Sub-Station, Krishnagiri District to Mallasandram near Denkanikottai, and consequently directing the Respondents 1 and 2 to pay the compensation as determined by the 1st Respondent for the above said petitioner's land in view of the circular of Government of India dated 15.10.2015, issued in No.3/7/2015-Trans by considering the representation of the petitioners dated 17.10.2018.

For Petitioner : Mr.S.Senthil
For Respondents : Mr.Abdul Saleem for R1 & R2
Mr.N.Sakthivel, AGP for R3.

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus or any other writ, order or direction in the nature of writ, directing the 3rd Respondent to determine the compensation for the land @ 85% of land value for Tower base area (between four legs) and 15% towards diminution of land value in the width of Right of Way (RoW) corridor due to laying of transmission line over the petitioner's land situated in Survey No.311, 310, 309 and 314/1A of Anekollu Village, Denkanikottai Taluk, Krishnagiri District, for erecting high tension towers and high tension lines for the project of energy supply through 400 KVA HT Tower Line from Mettur Thermal Plant to Karnataka and 220 KVA HT Tower line from Udanapalli Sub-Station, Krishnagiri District to Mallasandram near Denkanikottai, and consequently directing the Respondents 1 and 2 to pay the compensation as determined by the 1st Respondent for the above said petitioner's land in view of the circular of Government of India dated 15.10.2015, issued in No.3/7/2015-Trans by considering the representation of the petitioners dated 17.10.2018.

2. The learned counsel appearing for the petitioner would submit that, the petitioner is the owner of the land of 13.03 acres in Survey No.311, 310, 309 and 314/1A of Anekollu Village, Denkanikottai Taluk, Krishnagiri District. The respondents (TANTRANSCO) has proposed to install a High tension towers and lines for the supply of energy through 400 KVA HT from Mettur Thermal Power Plant to Karnataka. In order to undertake the said project, the respondents identified some lands, which includes the petitioner's land.

3. The learned counsel would submit that, by virtue of the said proposal of laying of transmission of lines of high tension by the respondents, most of the portions of the land of the petitioner would get affected. In this regard, the Government already issued a G.O. whereby 85% of the land value after determining the market value of the land would be paid as compensation and 15% towards the diminution of land value in the width of Right of Way corridor due to laying of transmission lines would also be paid. In this context, the learned counsel appearing of the petitioner would submit that, for getting the said compensation after evaluating the property i.e. the value of the land, the petitioner had given a representation on 17.10.2018 to the respondents. The learned counsel would further submit that, if the said representation is considered on merits and in accordance with the law by the respondents and a decision there of is taken within the time limit stipulated by this court, the petitioner would be satisfied.

4. I have heard Mr.Abdul Saleem, learned counsel appearing for the respondents 1 and 2 and Mr.N.Sakthivel, learned AGP appearing for the third respondent. The standing counsel appearing for the respondents 1 and 2 and the learned AGP appearing for the third respondent would submit that, certainly the representation of the petitioner would be considered on merits and after evaluating all the aspects, a real and adequate compensation, as guided in the relevant Government Orders, would be determined and the same would be paid to the petitioner.

5. I have considered the said submissions made by the learned counsels appearing for both sides and perused the materials placed before this court. Since the petitioner is entitled to get the compensation as per the Government orders for the loss incurred by him because of the proposed laying of high tension electric tower line passing through the land of the petitioner and in this regard, the petitioner, since has given his representation for adequate compensation, this Court feels that the said representation can be considered pragmatically and a decision can be taken within the time frame by the respondents 1 & 2 to pay the compensation as determined by the third respondent.

6. In the result, following order is passed:

(i) The third respondent is hereby directed to consider the representation of the petitioner dated 17.10.2018 and decide the same on merits and in accordance with the law, of course, by following the guidelines and parameters issued in this regard by the relevant Government orders, to determine the actual compensation based on the market value of the land of the petitioner and accordingly pass the final order there on, within a period of 2 months from the date of receipt of copy of this order. In this regards, if the third respondent needs any further input from the petitioner, the same can also be called for, for taking the same into consideration.

With the above direction, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

bga

To

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High Tension Lines (Erection & Construction),
Rayakotta Road, near Housing Board,
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Krishnagiri.

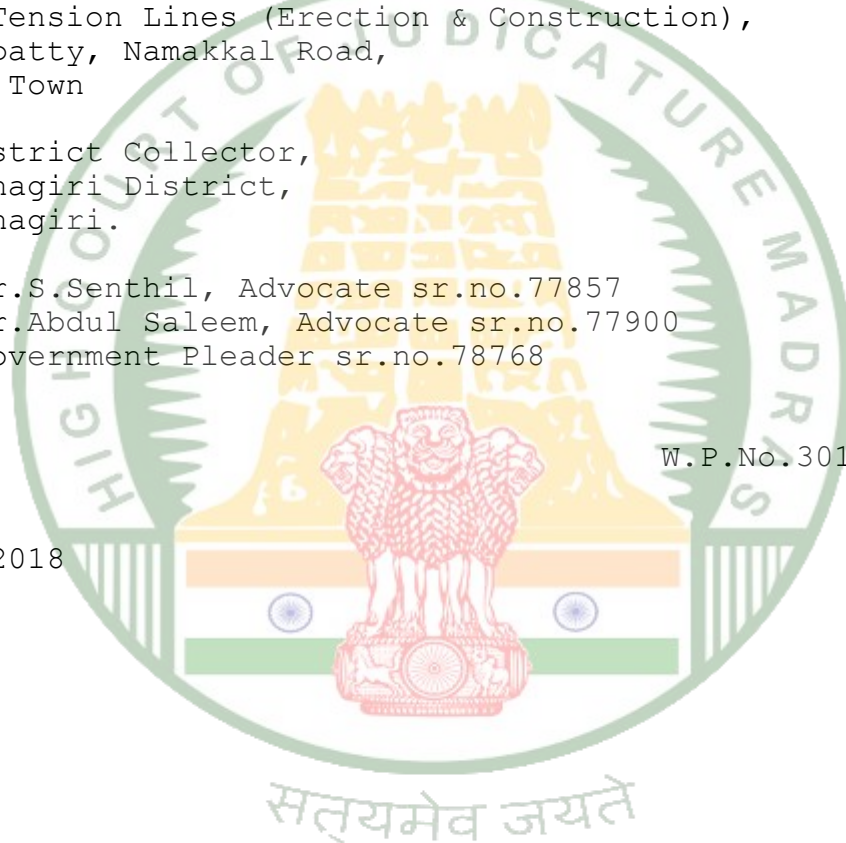
+lcc to Mr.S.Senthil, Advocate sr.no.77857

+lcc to Mr.Abdul Saleem, Advocate sr.no.77900

+lcc to Government Pleader sr.no.78768

W.P.No.30119 of 2018

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