

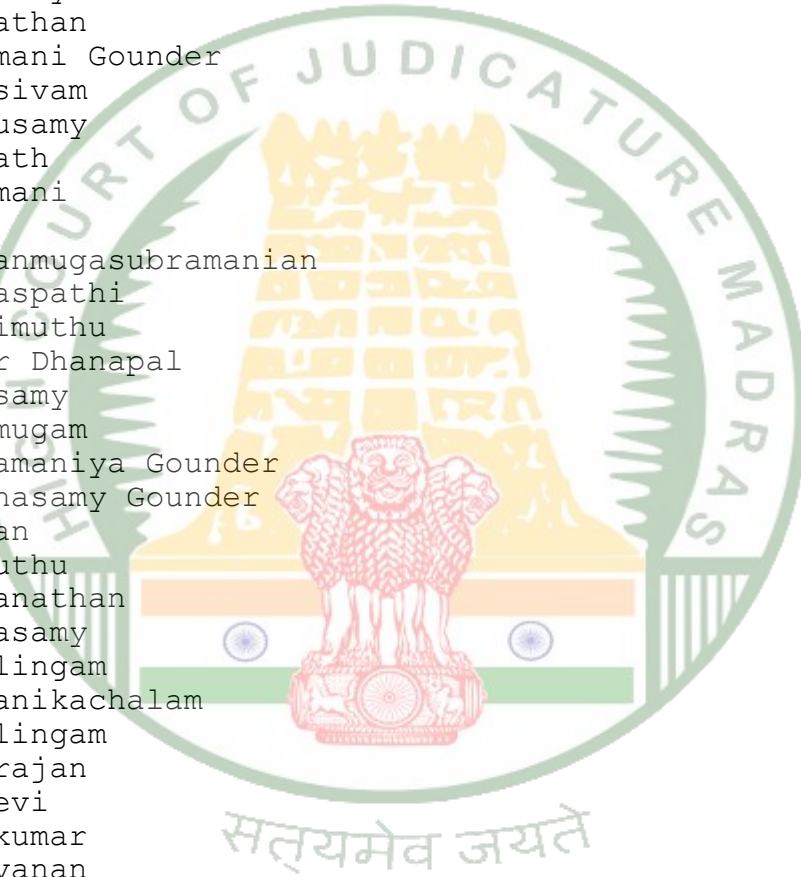
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.No.28520 of 2018

- 1.R.Uthappa Goundar
- 2.K.Ramasamy
- 3.M.Kuppusamy
- 4.R.Loganathan
- 5.S.Subramani Gounder
- 6.P.Nallasivam
- 7.V.Chinnusamy
- 8.K.Gopinath
- 9.C.Subramani
- 10.M.Mani
- 11.T.A.Shanmugasubramanian
- 12.R.Pragaspathi
- 13.V.Nachimuthu
- 14.K.Aanur Dhanapal
- 15.Periyasamy
- 16.V.Shanmugam
- 17.M.Subramaniya Gounder
- 18.M.Chinnasamy Gounder
- 19.Govindan
- 20.Nachimuthu
- 21.P.Viswanathan
- 22.K.Rangasamy
- 23.S.Ramalingam
- 24.O.R.Thanikachalam
- 25.K.Ramalingam
- 26.C.Nagarajan
- 27.K.Umadevi
- 28.S.Sivakumar
- 29.D.Saravanan
- 30.S.Nallasamy
- 31.N.Senthil Kumar
- 32.T.Ananda Kumar
- 33.T.Palanisamy
- 34.M.Vadivel
- 35.G.G.Ponnambalam
- 36.A.Palanisamy
- 37.P.Palanisamy
- 38.K.Selvakumar
- 39.D.Ram Pradeep
- 40.T.Chinnappa Gounder
- 41.G.Parameswaran
- 42.M.N.Subramaniam



WEB COPY

43.S.Lakshmi
44.S.V.Natarajan
45.N.Sakthivel
46.S.Parameswari
47.S.P.Loganathan
48.S.Mohan Raj
49.A.Thangamani
50.A.Ramasamy
51.V.Gopal
52.P.Senthil
53.P.Venkatachalam
54.Thatchinamoorthy
55.K.Sivakumar
56.K.Subramani
57.V.Saravanan
58.Chinnusamy
59.K.S.Muthusamy
60.N.Ravi
61.M.Haridas
62.K.Sivakumar
63.Shanmugam
64.K.C.Kenniyangiri
65.V.Chinnathambi
66.Maragadham
67.P.Ilango
68.R.Palanivel
69.D.Kangachalam
70.T.R.Muthusamy
71.V.Thangaraj
72.N.Palanisamy Gounder
73.S.Eswaramoorthy
74.T.Krishnamoorthy
75.S.Saraswathi
76.S.Muthuvel
77.C.Subramaniyam
78.S.Saravanan
79.M.Nallakumarasamy

80.P.Muthusamy
81.A.S.Vadivel
Petitioners

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Vs.

1.The Director General of Police,
Tamil State Police Head Quarters,
No:1, Radhakrishnan Road,
Mylapore, Chennai - 600 001.

- 2.The Superintendent of Police,
Erode District Police,
Erode.
- 3.The Deputy Superintendent of Police,
Erode Police Range,
Erode District.
- 4.The Deputy Superintendent of Police,
Perundurai Police Range,
Erode District.
- 5.The Deputy Superintendent of Police,
Bhavani Police Range,
Erode District.
- 6.The Deputy Superintendent of Police,
Gobichettipalayam Police Range,
Erode District.
- 7.Power Grid Corporation of India Limited,
(A Government of India Enterprise),
Southern Region Transmission System-II RHQ,
Singanayakanahalli,
Yelahanka Hobli,
Bangalore - 560 064. : Respondents

(suo-motu impleaded as 7th
respondent in CrI.O.P. No.28520
of 2018)
by order dt 06.12.2018

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the respondents herein to forbear them from giving police protection in any manner aiding the Officials of the Power Grid Corporation Limited & the Revenue Officials in implementing the "800 KV Raigarh (HVDC Stn) - Pugalur (HVDC Stn) HVDC Bipole link with MW capacity", unless those Officials obtain Enter-upon Permission under the Provisions of the "Indian Telegraph Act, 1885," or "Works of Licensees Rules, 2006" as the case may be, from the District Magistrate, Erode permitting Entry into the lands of the petitioners.

For Petitioners : Mr.Lakshmi Narayanan
FOR M/S.Va Vu Si Vazhakagam,
For Respondents 1 to 6 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For Respondent 7: Mr.R.Thigarajan Senior Counsel
for M/s.Aibar & Dolia
(suo-motu)

ORDER

Power Grid Corporation of India Limited, (A Government of India Enterprise), Southern Region Transmission System-II RHQ, Singanayakanahalli, Yelahanka Hobli, Bangalore - 560 064, is suo-motu impleaded as the seventh respondent in this Criminal Original Petition.

2.This Criminal Original Petition is filed by various owners of agricultural lands situated at Erode District.

3.Power Grid Corporation of India Limited, impleaded as the seventh respondent, is in the process of implementing the project from Raigarh to Pugalur, covering five States, extending to 1843 Kilo Meters. The project started at Chhattisgarh and it has already covered four States. Now the project is sought to be implemented in Tamilnadu covering seven Districts to an extent of 345 Kilo Meters.

4.The seventh respondent started the process of surveying the lands at Erode District. There was a resistance/objection on the part of the owners/occupiers of the property.

5.The learned counsel for the petitioners would submit that the seventh respondent Officials in spite of the objections made by the land owners/occupiers, are forcibly entering into the property of the petitioners with the help of Police Officials. The learned counsel for the petitioners would further submit that under the Provisions of Indian Telegraph Act, 1885, the moment there is resistance, the seventh respondent has to get the permission of the District Collector before proceeding further with the project.

6.The learned counsel for this purpose relied upon the judgments of this Court in R.Santhana Raj Vs. The Chief Engineer, Non-Conventional Energy Source reported in 2012 (1) CTC 504, Dr.B.Shivkumar Vs. Tamil Nadu Transmission Corporation Limited., reported in 2016 (1) CTC 669 and also the judgement made in W.P.(MD) No.15040 of 2018, dated 17.09.2018.

7.By relying upon the aforesaid judgments, the learned counsel for the petitioners would submit that the

seventh respondent cannot straight away resort to the help of the Police and they have to necessarily workout their rights only under the Indian Telegraph Act, 1885 and in accordance with the guidelines given by this Court in the judgments referred supra.

8.Mr.R.Thigarajan, the learned Senior counsel representing the seventh respondent would submit that the seventh respondent is undertaking this major project starting from Chhattisgarh and the project has already been completed in four States and the project is at its last phase in Tamilnadu. The learned Senior counsel would further submit that the project will cover totally seven districts in Tamilnadu to the extent of 345 Kilo Metres. The learned Senior counsel would further submit that the Officials belonging to the seventh respondent have only started making survey of the lands and at that point of time, there is resistance and therefore the Officials had sought for the help of the Police in order to avoid any law and order problem. The learned Senior counsel would further submit that the seventh respondent will not proceed further with the project, if there is resistance from the land owners/occupiers, without complying with the procedure as contemplated under the Indian Telegraph Act, 1885. The learned Senior counsel would further submit that the petitioners have approached this Court even at the inception of the project in order to stall further course of action.

9.In reply to the submission made by the learned Senior counsel, the learned counsel for the petitioners would submit that even as per the relief that has been sought for in the present petition, the petitioners have made it clear that the police cannot intervene in this issue unless the seventh respondent has obtained necessary permission under the Provisions of the Indian Telegraph Act, 1885, or the Works of Licensees Rules, 2006. Therefore, it is not the intention of the petitioners to stall the project and the petitioners being poor farmers are only depending on the available farm lands for their livelihood.

10.This Court has carefully considered the submission made on either side. The learned Senior counsel appearing for the seventh respondent has made a categorical statement before this Court that the seventh respondent will not proceed further, where there is resistance from the land owners/occupiers, without following the procedure under Section 16(1) of the Indian Telegraph Act, 1885. In view of the specific

stand taken by the learned Senior counsel, the apprehension that has been raised by the petitioners has been answered.

11.It is made clear that the police shall not interfere in this issue unless the seventh respondent has followed the procedure in accordance with law in order to proceed further with the project. This Court also records the submission made by the learned Senior counsel appearing for the seventh respondent in this regard.

12.This Criminal Original Petition is disposed of with the above observations.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ia/vsg1

To

- 1.The District General of Police,
Tamil State Police Head Quarters,
No:1, Radhakrishnan Road,
Mylapore, Chennai - 600 001.
 - 2.The Superintendent of Police,
Erode District Police,
Erode.
 - 3.The Deputy Superintendent of Police,
Erode District Police,
Erode.
 - 4.The Deputy Superintendent of Police,
Perundurai Police Range,
Erode District.
 - 5.The Deputy Superintendent of Police,
Bhavani Police Range,
Erode District.
 - 6.The Deputy Superintendent of Police,
Gobichettipalayam Police Range,
Erode District.
 - 7.The Public Prosecutor,
High Court of Madras, Madras.
- +2cc to Mr.M/S.Va Vu Si Vazhakagam, Advocate SR.No. 84206
CrI.O.P.No.28520 of 2018
ASK(07/12/2018)