



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

WP (MD) No.24631 of 2018

and

WMP (MD) No.22343 of 2018

K.Vidya

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Superintending Engineer,
Tower line construction / TANTRANSCO,
Trichy.

3.The Assistant Engineer,
Tower line construction / TANTRANSCO,
Pudukkottai.

4.The Assistant Executive Engineer,
Tower line construction / TANTRANSCO,
Pudukkottai.

... Respondents

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus thereby restraining the respondents 2 to 4 from erecting electricity poll situated in S.F.No.190/1 A, 3A, 4A and 4B of Poongudi Village, Kulathur Taluk and Pudukkottai District.

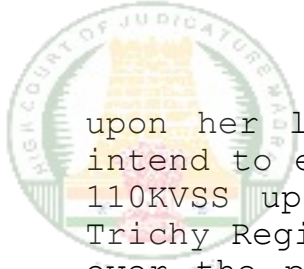
For Petitioner : Mrs.P.Ganapathi Subramanian

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader
for R1

Mrs.S.Srimathy
for S.M.S.Johnny Basha
for R2 to R4

ORDER

The petitioner is owning the land in S.F.No.190/1 A, 3A, 4A and 4B of Poongudi Village, Kulathur Taluk and Pudukkottai District. The petitioner is also having patta. Even without prior notice to her, the respondents 2 to 4, the officials of TANTRANSCO entered



upon her land and commenced the civil works. The EB authorities intend to erect 230 KV SC Line DC Tower from Vellalaviduthi 400/230-110KVSS up to Pudukkottai 230 KVSS in Trichy operation circle of Trichy Region for a route length of 51.03 KM. The lines would run over the petitioner's land also. That is why, the EB authorities have taken over the petitioner's land to a certain extent.

2.While the petitioner's counsel would allege that no notice was issued to the petitioner, the learned standing counsel for the respondents 2 to 4 would submit that a notice was in fact given to the petitioner but she refused to receive. This court has to necessarily observe that there is no proof of having ever issued a notice. Admittedly, the E.B authorities did not send any notice through a registered post. Be that as it may, as held by the Hon'ble Division Bench, the consent of the land owner is not required. But then, the statute contemplates that these works will have to be carried out by causing as little damage as possible. Unless the owner is put on notice, this aspect of the matter will not fall for consideration.

3.The Hon'ble Division Bench in its order dated 18.12.2015 in WA No.1343 to 1352 of 1356 to 1358 of 2015 would indicate that the shortest route will have to be chosen. The authorities may be acting under misconception. The land owner may be able to suggest some alternatives. Therefore, I have to necessarily reject the stand of the respondents that even without putting the land owner on notice, the EB authorities can enter any land. Therefore, in all such matters, the land owner will have to be necessarily put on notice. Only then various options can be explored. Of course, the EB authority will have the last laugh! But then inputs will have to come from the various stake-holders. In the present case, since the civil works have already commenced, the only relief that can be given to the petitioner is disbursement of compensation.

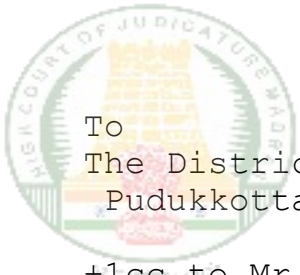
4.The learned standing counsel would state that they have tentatively estimated the compensation payable to the writ petitioner at Rs.40,000/-. The respondent undertakes to pay the same to the petitioner within a period of one week from today by way of a Demand Draft drawn in the name of the petitioner. The petitioner will not be put to the trouble of obtaining NOC from the local Village Administrative Officer. After the erection works are complete, the petitioner is at liberty to move the District Collector, Pudukkottai for enhancement of compensation. The first respondent is directed to determine the compensation payable to the petitioner within a period of four weeks from the date of receipt of a copy of this order. It is made clear that all the claims of the petitioner are left open.

5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CO)

/True copy/



To
The District Collector,
Pudukkottai District.

+1cc to Mr.S.M.S.JOHNY BASHA, Advocate, SR.No.100402

+1cc to M/s.Special Government Pleader,SR.No. 100506

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SKM

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