

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.3341 of 2019

1. V.Meganathan
2. T.S.Govindan
3. Janaki, W/o Samudi
4. Ravi, S/o Samaraj
5. Murugan, S/o Mani
6. Krishnan, S/o Chanderan
7. Mahalingam, S/o Samaraj
8. Krishnan, S/o Ponnusamy
9. Veerasamy, S/o Kuzhanthai
10. Kalaiselvi, W/o Thiruppathi .. Petitioners

-vs-

1. Principal Secretary to Government
Energy Department
Secretariat, Fort St.George
Chennai 600 009
2. The Power Grid Corporation of India
rep.by its Managing Director
B-9, Qutab Institutional Area
Katwari Sarai
New Delhi 110 016
3. The Power Grid Corporation of India
rep.by its Managing Director
Regional Head Quarter, Southern Region
Reg.Yellappa V Road, Bangalore
Karnataka 560 644
4. The District Collector
Vellore, Vellore District 636 705
5. The Tahsildar
Natrampalli,
Natrampalli Taluk,
Vellore District

.. Respondents

Prayer:-

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondents from laying 800 KV High Power transmission line through the route from Jadankuttai to Old President Circle, Thoppalagunda Village, Vellore District, which is crossing over and above the houses of the petitioners situated in the residential area of Thoppalagunda Village, Natrampalli Taluk, Vellore, consequently to direct the respondents to choose alternative route away from the residential area.

For Petitioners:: Mr.S.Conscious Ilango

For Respondents:: Mr.K.Ravikumar
Additional Government Pleader
for R1, 4 & 5
Mr.R.Thiagarajan
Senior Counsel for
M/s Aiyar & Dolia for R2 & 3

ORDER

Ten petitioners have come to this Court jointly seeking issuance of a writ of mandamus under Article 226 of the Constitution of India, forbearing the respondents from installing 800 KV High Power transmission line through the route from Jadankuttai to Old President Circle, Thoppalagunda Village, Vellore District, over the residential houses of the petitioners situated in Thoppalagunda Village, Natrampalli Taluk, Vellore, on the basis of their representation dated 14.1.2019 seeking to choose alternative route.

2. Learned counsel for the petitioners submitted that all the petitioners are living along with their family members in the residential area of Thoppalagunda village for the past several years. They are also agriculturists. While so, the staff personnel working in the Power Grid Corporation of India came to the petitioners residential area and have taken measurements so as to install the transmission line in and across their houses without even considering the danger in laying the transmission line directly over and above the residential houses that would be a threat to their lives, if they are not shifted. The learned counsel again submitted that the Power Grid Corporation is attempting to carry out the high power transmission line over their residential houses, even ignoring some of the guidelines that the routes of the proposed transmission line generally should not involve any human rehabilitation. Similarly, any monument of cultural or historical importance also should not be affected by the route of the transmission line. Besides, the proposed route of

transmission line also does not affect any public utility service like playgrounds, schools, sanctuaries, national parks, etc. Although they have a right of eminent domain to put up towers in private land under Section 63 of the Electricity Act, now these guidelines are also prescribed to be followed by the respondents. Admittedly, when the petitioners are all living in group by putting up their residential houses in Thoppalagunda village for several years, without undertaking any pilot study, they have, all of a sudden, started to proceed with the erection of the transmission line. As they are going to emit radiation, which is very hazardous to the people in the locality, that would also cause diseases like cancer, leukemia, headache, loss of memory etc., the petitioners have given a representation on 13.6.2018. On receipt of the representation, the Revenue Inspector, after conducting local inspection, made a report on 24.7.2018 recommending for alternative route of alignment. Subsequently, the Tahsildar also, finding that the power transmission line is crossing very close to the houses of the petitioners, also sent his recommendation to the power grid authorities requesting for alternative route. In fact, the village panchayat also, taking note of the factor that the power grid corporation is going to lay the transmission line into the residential area of the petitioners, have passed a resolution, based on which the Block Development Officer also made his recommendation dated 20.8.2018. Ignoring all these, the fourth respondent is proceeding without following their own guidelines. Therefore, the writ petition be allowed, he pleaded.

3. A detailed counter affidavit has been filed by the respondents 2 & 3. Mr.R.Thiagarajan, learned Senior Counsel appearing for the respondents 2 & 3 submitted that the present writ petition is liable to be closed, since the respondent Corporation, while surveying the area to ascertain the most techno-economically feasible route for drawing up of the transmission line, did not find any house or settlement during the preliminary route alignment survey conducted in May, 2017 in the same area. Only thereafter, the houses have come up. Since the petitioners have put up their houses only after the conduct of the preliminary route alignment, they cannot come to this Court and interfere with the commissioning of the transmission line. Adding further, the learned Senior Counsel stated that when only ten tower lines are going to be erected in the land in question, out of which, the foundation work for five tower lines are already over after obtaining their consent, and only five more tower lines are going to be commissioned, at this stage, if the petitioners come to this Court, the respondents may not be able to find any alternative alignment route. Again Mr.Thiagarajan submitted that considering the objections and representations made by the petitioners, the Sub Collector also has inspected the land in question and submitted his report to

the District Collector, Vellore, the fourth respondent herein, who has to pass an order. Since the respondent Corporation also has addressed a letter dated 18.7.2018 to the fourth respondent-District Collector to remove the obstructions under Section 16 (1) of the Indian Telegraph Act, 1885 and in the meanwhile, since a report dated 24.7.2018 was also forwarded by the Tahsildar, Natrampalli to the respondent Corporation to consider an alternate route, an enquiry has been conducted by the Sub Collector, Tirupattur to resolve the right of way issue. As the Sub Collector, Tirupattur visited the site on 3.12.2018 and 5.12.2018 and also held a meeting with the villagers on 5.12.2018 and in pursuance of the same, obstructions were also removed in respect of 5 locations within ten locations passing through Thoppalagunda village, Natrampalli Taluk, a direction be issued to the District Collector, Vellore to consider the case of both sides and pass a final order. Concluding his arguments, the learned Senior Counsel submitted that the entire project covers 1843 Kms comprising of 5530 towers and the transmission line passes through five States including the State of Tamil Nadu with Chattisgarh, Maharashtra, Telengana and Andhra Pradesh. Since the foundation work in the other four States are nearing completion and the State of Tamil Nadu is the major beneficiary of the project, if the works are hampered, it will have a serious ramification with cascading effect in the power sector in the State of Tamil Nadu.

4. I also agree with the submissions made by the learned Senior Counsel for the respondents 2 & 3. But at the same time, the guidelines laid down to take care of the area of human habitation, sanctuaries, any monument of cultural or historical importance, also cannot be overlooked. Therefore, when there are guidelines for selection of the optimum route, while taking a final decision, the following guidelines shall also be taken note of:

- (i) The route of the proposed transmission line does not involve any human rehabilitation.
- (ii) Any monument of cultural or historical importance is not affected by the route of the transmission line.
- (iii) The proposed route of transmission line does not create any threat to the survival of any community with special reference to Tribal community.
- (iv) The proposed route of transmission line does not affect any public utility service like playgrounds, schools, other establishments, etc.
- (v) The line route does not pass through any sanctuaries, national parks, etc.
- (vi) The line route does not infringe with area of natural resources.

5. In view thereof, as the petitioners are all residing in

the land in question and are also agriculturists, the District Collector, Vellore, the fourth respondent herein is directed to consider the representation of the petitioners, in the light of the guidelines and on the basis of the report submitted by the Sub Collector, Tirupattur, and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of. Consequently, W.M.P.Nos.3623 & 3624 of 2019 are closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Principal Secretary to Government
Energy Department
Secretariat, Fort St.George
Chennai 600 009
2. The Managing Director
Power Grid Corporation of India
B-9, Qutab Institutional Area
Katwari Sarai, New Delhi 110 016
3. The Managing Director
Power Grid Corporation of India
Regional Head Quarter, Southern Region
Reg.Yellappa V Road, Bangalore
Karnataka 560 644
4. The District Collector
Vellore District 636 705
5. The Tahsildar
Natrampalli Taluk, Vellore District

+1cc to M/s Aiyar & Dolia, Advocate, S.R.No.11439
+1cc to the Government Pleader, S.R.No.11907

W.P.No.3341 of 2019

GJ(CO)
CS/12/03/2019