

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4629 of 2019 and
W.M.P. No.5241 of 2019

1.Palanisamy

2.Muthayi

3.Muthusamy

4.Anandakumar

5.Rajeswari

6.Thilagamani

7.Prabhakaran

8.Kanagachalam

... Petitioners

-vs-

1.The District Collector,
Office of the District Collector,
Namakkal District,
Namakkal.

2.The Deputy General Manager,
Power Grid Corporation of India,
Sankagiri TLC Office,
No.3/3/27-B, Bharathy Nagar,
Salem Main Road, Sankagiri,
Salem District-637 301.

... Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records of the impugned orders in

Na.Ka.26840/Aanangur	(163/0)/2018/H2	dated	04.02.2019,
Na.Ka.26840/Aanangur	(163/0)/2018/H2	dated	04.02.2019,
Na.Ka.26840/Aanangur	(162/0)/2018/H2	dated	05.02.2019,
Na.Ka.26835/Thokkavadi	(168/3)/2018/H2	dated	02.02.2019,
Na.Ka.26835/Thokkavadi	(169/0)/2018/H2	dated	02.02.2019,

Na.Ka.26834/Emapalli (170/1)/2018/H2 dated 02.02.2019,
Na.Ka.26834/Emapalli (170/3)/2018/H2 dated 02.02.2019 and
Na.Ka.26834/Emapalli (171/1)/2018/H2 dated 02.02.2019 of the 1st
respondent and quash the same and consequently directing the
first respondent to consider these petitioners' objections after
furnishing the petitioners with the Route Approval, Check
Survey, Re-Check Survey List, Angle Deviation, GPS Co-ordinates,
Distances between the Towers, No. of Towers, Nature of Towers,
Route Map of the Project with respect to the District of
Namakkal, Project Report, with respect to the implementation of
the Pugalur to Raigarh 800 KVA Power Transmission Project in the
lands of the petitioners and also giving these petitioners
reasonable opportunity within a time frame fixed by this Court.

For Petitioners :: Mr.P.Wilson,
Senior Counsel for
Mr.M.Guruprasad

For Respondents :: Mr.K.Ravikumar,
Additional Government Pleader
for R1

Mr.R.Thiagarajan,
Senior Counsel for
M/s.Aiyar & Dolia for R2

ORDER

The writ petition has been filed assailing the impugned orders dated 02.02.2019, 04.02.2019 and 05.02.2019 passed by the District Collector, holding that the petitioners failed to appear for enquiry on 21.01.2019 at 04.00 p.m. in the office of the District Collector, the first respondent herein.

2.Finding fault with the reasons given in the impugned orders, Mr.P.Wilson, learned senior counsel appearing for the petitioners submitted that the impugned orders are per se illegal since the notice dated 14.01.2019 issued to the petitioners calling upon them to appear for enquiry on 21.01.2019 at 04.00 p.m. in the office of the District Collector was received by the petitioners only on 22.01.2019 after the date fixed for enquiry was over. Immediately, a letter dated 23.01.2019 was addressed by the petitioners to the District Collector informing that the summon of appearance sent by them

through RPAD was received by the petitioners only on 22.01.2019, whereas in the meanwhile the enquiry was over on 21.01.2019 and therefore they should be given a chance to appear and explain their side of the case. The said letter was also received by the office of the District Collector on 24.01.2019. In spite of the same, without even discussing the letter sent by the petitioners on 23.01.2019 received by the office of the District Collector on 24.01.2019, the impugned orders proceeding against the petitioners are wholly unjustified and untenable. Learned senior counsel appearing for the petitioners pleaded that in a similar circumstance, this Court by order dated 27.02.2019 allowed the writ petition in W.P. No.5707 of 2019 and therefore, he prays for a similar order.

3.Placing on record the above order, Mr.R.Thiagarajan, learned senior counsel appearing for the second respondent also acceded to pass the same order. It is relevant to extract para 6 as under:

'The writ petition is allowed and the impugned orders are set aside. The matter is remitted back to the first respondent to issue fresh notice to the petitioners' counsel who filed Vakalat before the first respondent within a period of two weeks from the date of receipt of a copy of this order. The first respondent shall also send sms to the petitioners' counsel to his mobile number indicating that the notice was sent though speed post as well. On receipt of such notice, the petitioners or their counsel shall participate in the enquiry before the first respondent. On completion of such enquiry, the first respondent shall pass orders on merits and in accordance with law within a period of four weeks thereafter. It is open to the petitioners to seek for such of those documents which are relevant for conducting such enquiry before the first respondent. It is made clear that this Court is not expressing any view on the rival contentions made by the parties in respect of the merits of the matter, as it is for the first respondent to consider and decide. No costs. Consequently, connected miscellaneous petition is closed.'

4.In the light of the above, the writ petition is allowed in the above terms and the impugned orders are set aside. Consequently, the matter is remitted back to the first respondent to issue fresh notice. On receipt of such notice, the petitioners or their counsel shall participate in the

enquiry before the first respondent. On completion of such enquiry, the first respondent shall pass orders on merits and in accordance with law within a period of four weeks thereafter. It is also open to the petitioners to ask to such of those documents which are relevant for conducting such enquiry. Consequently, connected W.M.P. is closed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vga

To

1.The District Collector,
Office of the District Collector,
Namakkal District,
Namakkal.

2.The Deputy General Manager,
Power Grid Corporation of India,
Sankagiri TLC Office,
No.3/3/27-B, Bharathy Nagar,
Salem Main Road, Sankagiri,
Salem District-637 301.

+1cc to M/s.Aiyar & Dolia, Advocate SR.No.19625

+1cc to Mr.M.Guruprasad, Advocate SR.No.19642

+1cc to Government Pleader SR.No.19979

W.P.No.4629 of 2019 and
W.M.P. No.5241 of 2019

SR(CO)
GMY(05/03/2019)

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