

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6939 of 2019

Rajasekar
S/o Palanisamy

.. Petitioner

-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 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 order in Na.Ka.26837/Padaveedu (151/3)/2018/H.2 (dated 11.02.2019) of the first respondent and quash the same and consequently directing the first respondent to consider the petitioner's objections after furnishing the petitioner 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 petitioner and also giving this petitioner reasonable opportunity within a time frame fixed by this Hon'ble Court.

For Petitioner:: Ms.R.Shase

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

ORDER

This writ petition is directed against the correctness of the impugned order dated 11.2.2019 passed by the District Collector, Namakkal, refusing the request of the petitioner to consider an alternative route for taking the towers in respect of the Transmission Project in question.

2. When the matter was taken up, Mr.R.Thiagarajan, learned Senior Counsel for the second respondent-Power Grid Corporation of India submitted that in deference to the orders passed by this Court in similar matters directing the District Collector to serve notice on the counsel who appeared for the petitioners therein, admittedly, the District Collector, Namakkal has issued the notice to the petitioner's counsel in this case. However, on receipt of the notice, the counsel who represented the petitioner appeared, but withdrew his Vakalatnama. Secondly, he failed to cooperate with the enquiry. Therefore, the impugned order has been passed. But, in any event, since there has been an allegation made by the petitioner that he was not heard fully, this Court can direct the District Collector, Namakkal to issue one more fresh notice to the petitioner, who is the owner of the land in question and on receipt of such notice, he can be directed to appear on the particular date and time before the District Collector for completion of the enquiry.

3. The learned counsel for the petitioner also fairly submitted that fresh notice can be given to the petitioner, who is the owner of the land in question and on receipt of such notice from the District Collector specifying the particular date, time and place, the petitioner or in his place his counsel would appear without asking any further time.

4. Recording the same, the District Collector, Namakkal is hereby directed to issue a fresh notice by registered post with acknowledgment due, as requested by the learned Senior Counsel, to the petitioner/landlord specifying the date, time

and place of enquiry with a gap of one week and on his appearance on the specified date and completion of enquiry, it is open to the District Collector, Namakkal to pass appropriate orders on merits in the matter. With this direction, the writ petition stands disposed of and the impugned order is set aside. Consequently, W.M.P.No.7679 of 2019 is closed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

ss

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 Mr.M.Guruprasad, Advocate SR.No.24129

+1cc to Mr.Aiyar & Dolia, Advocate SR.No.23797

+1cc to Government Pleader SR.No.24778

Kan (CO)
GMY (12/04/2019)

W.P.No.6939 of 2019

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