

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7242 of 2019
and WMP No.7960 of 2019

1. R.Mohanraj
2. T.Shanmugavadivelan
3. C.Periyasamy

.. Petitioners

-vs-

1. The Deputy General Manager
Power Grid Corporation of India Ltd.,
TLC Office, No.17/4G, Vivekanantha Street
Gandhi Nagar, Nasiyanoor Road
Erode-11
presently having office at
No.400, Kinnimangalam
Checkanurani
Madurai 625 514

2. The District Collector
Namakkal District
Namakkal

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to determine the compensation for the land @ 85% of land value for Tower base area (between four legs) and 15% towards diminution of land value in the width of Right of Way (ROW) corridor due to laying of transmission line over the petitioners agricultural land situated in Survey No.225/2A of Punjai Hectare 2.21.0, Survey No.225/2B1 of Punjai Hectare 1.19.5, Survey No.188/3, Hec.0.08.5, Survey No. 188/4A Hec.0.33.0, Survey No.188/5B, Hec.0.08.0 and in total Punjai Hectare 0.49.5 of Selur village, Paramathi Velur Taluk for erecting high tension towers and high tension lines for the project of supply of energy through 765 K.V. Double Circuit Tuticorin-Salem New (Dharmapuri) line, in view of the Circular of Government of India dated 15.10.2015 issued in No.3/7/2015-Trans., and consequently directing the first respondent to pay the compensation as determined by the second respondent for the above said petitioners agricultural land in view of the Circular of Government of India dated 15.10.2015, issued in No.3/7/2015-

Trans by considering the representation of the petitioners dated 11.02.2019.

For Petitioners : Mr.S.Senthil

For Respondents : Mr.V.Kalyanaraman
for M/s Aiyar & Dolia for R1

Mr.K.Ravikumar
Additional Government Pleader
for R2

ORDER

The writ petitioners are having a grievance that after using their land for installation of electric towers for the supply of energy through 765 KV Double Circuit Tuticorin-Salem new (Dharmapuri) line, till date, the respondents have not come forward to pay the compensation for the standing crops and trees alone. Therefore, when no compensation was paid to the petitioners, they have given a representation dated 11.2.2019 requesting the District Collector, Namakkal to consider their case, on the basis of the G.O.Ms.No.63, Energy (A1) Department dated 22.11.2017 adopting the guidelines given therein for payment of compensation towards the damages incurred to the tower base area between four legs as well as Right to Way (RoW) for installation of the transmission lines, in the light of the circular dated 15.10.2015 issued by the Ministry of Power, Government of India. But till date, the same has not been considered. Hence, they have been advised to come to this Court.

2. The learned counsel for the first respondent, opposing the prayer, stated that the said circular dated 15.10.2015 cannot be made applicable to the case of the petitioners, as it will have retrospective effect from 22.11.2017 only for the new projects.

3. The learned Additional Government Pleader for the second respondent, however, sought four weeks time to consider the representation of the petitioners.

4. Be that as it may. Since the petitioners have given a representation claiming that their land has been used by the first respondent, the District Collector, Namakkal, the second respondent herein is hereby directed to consider the representation of the petitioners on merits, in the light of the aforementioned G.O.Ms.No.63, Energy (A1) Department dated 22.11.2017 and the circular dated 15.10.2015, and pass appropriate orders within a period of four weeks from the date

of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.7960 of 2019 is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Deputy General Manager
Power Grid Corporation of India Ltd.,
TLC Office, No.17/4G, Vivekanantha Street
Gandhi Nagar, Nasiyanoor Road
Erode-11,
presently having office at
No.400, Kinnimangalam
Checkanurani
Madurai 625 514

2. The District Collector,
Namakkal District, Namakkal.

+1 cc to Mr.S.Senthil, Advocate Sr.No.25759

+1 cc to M/s.Aiyar & Dolia, Advocate Sr.No.25038

+1 cc to The Government Pleader, Sr.No.26269

W.P.No.7242 of 2019

SR(CO)
CSL/12.04.2019

सत्यमेव जयते

WEB COPY