

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8520 of 2019

1. N.Mohanraj

2. A.S.Paramasivam

3. C.N.Ponnusamy

4. C.K.Pongiappan

5. K.Palanisamy

6. C.M.Ganesan

... 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.296/2, Punjai Hectare 0.56.0, Survey No.296/4, Punjai Hectare 0.07.0 and in total Punjai Hectare 0.63.0, Survey No.304/2E1 of Punjai Hectare 0.47.5, Survey No.302/1E of Punjai Hectare 0.25.0, Survey No.295/2B1, Punjai Hectare 0.59.09, Survey No.297/1E, Punjai Hectare 0.01.5, Survey No.297/3A, Punjai Hectare 0.21.0, Survey No.297/6, Hectare 0.71.2 and in total Punjai Hectare

1.61.0, Survey No.295/2B2, Punjai Hectare 0.52.51, Survey no.295/2B4, Punjai Hectare 0.06.58, Survey No.297/3B, Punjai Hectare 0.21.0 and in total Punjai Hectare 0.80.09, Survey No.304/2E2 of Punjai Hectare 0.44.0 of M.Kunnathur 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.Jayesh B.Dolia
for M/s Aiyar & Dolia for R1
Mr.K.Ravikumar
Additional Government Pleader
for R2

ORDER

All these six petitioners claim to be the owners of the fertile agricultural land in M.Kunnathur Village, Paramathi Velur Taluk. The first petitioner claims to be the owner of the land in Survey No.296/2, Punjai Hectare 0.56.0, Survey No.296/4, Punjai Hectare 0.07.0 and in total Punjai Hectare 0.63.0. The second petitioner claims to be the owner of the land in Survey No.304/2E1 of Punjai Hectare 0.47.5, the third petitioner is the owner of the land in Survey No.302/1E of Punjai Hectare 0.25.0, the fourth petitioner is the owner of the land in Survey No.295/2B1, Punjai Hectare 0.59.09, Survey No.297/1E, Punjai Hectare 0.01.5, Survey No.297/3A, Punjai Hectare 0.21.0, Survey No.297/6, Hectare 0.71.2 and in total Punjai Hectare 1.61.0, the fifth petitioner is the owner of the land in Survey No.295/2B2, Punjai Hectare 0.52.51, Survey no.295/2B4, Punjai Hectare 0.06.58, Survey No.297/3B, Punjai Hectare 0.21.0 and in total Punjai Hectare 0.80.09 and the sixth petitioner is the owner of the land in Survey No.304/2E2 of Punjai Hectare 0.44.0. As all these lands are fertile agricultural lands with irrigational source from the river Cauvery, the Power Grid Corporation of India, in the month of October, 2016, has installed the high tension towers and lines in their land for the supply of energy through 765 KV Double Circuit Tuticorin-Salem new (Dharmapuri) line. The respondents also have paid the compensation for the standing crops and also for the trees alone and no compensation was paid for the agricultural land. Besides, they have not fixed

proper and reasonable compensation for the standing crops and also the trees. In this regard, a representation has been given on 11.2.2019 by enclosing a copy of the Circular dated 15.10.2015 and also the order passed by this Court in W.P.Nos.26858 and 26859 of 2016 requesting them to determine the compensation for the damages caused by the first respondent during the erection of the high tension towers. The same has not been considered. Hence, they have been advised to come to this Court.

2. The learned counsel for the first respondent also stated that the petitioners representation may be directed to be considered by the District Collector, Namakkal, in the light of the G.O.Ms.No.63, Energy (A1) Department dated 22.11.2017 and the circular issued by the Government of India dated 15.10.2015.

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

4. 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.9038 of 2019 is closed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Deputy General Manager
Power Grid Corporation of India Ltd.,
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presently having office at
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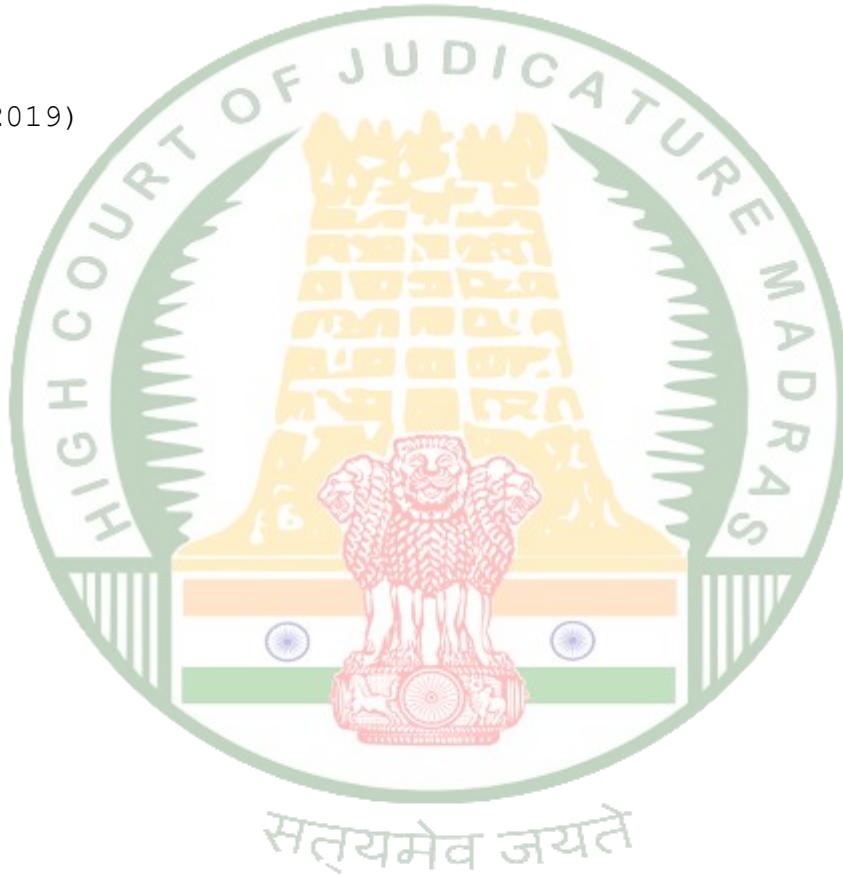
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2. The District Collector
Namakkal District
Namakkal

+1cc to Mr.S.Senthil Advocate, S.R.No. 30264
+1cc to Mr.Aiyar & Dolia Advocate, S.R.No. 28991
+1cc to the Government Pleader, S.R.No. 30528

W.P.No.8520 of 2019

AD(CO)
GN(30/04/2019)



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