

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7057 of 2019 and
W.M.P. Nos.7780, 7782 and 9624 of 2019

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.. Petitioner

-vs-

1.The Secretary,
Ministry of Power and
Union Minister of State,
Ministry of Energy Sources,
Shram Shakti Bhawan,
Rafi Marge, New Delhi.

2.The Chairperson cum
Managing Director,
Power Grid Corporation India Limited,
Saudamini, Plot NO.2, Sector 29,
Near IFFCO Chowk,
Gurgaon (Haryana) - 122 001.

3.General Manager,
Power Grid Corporation India Limited,
Sangagiri TLC, Bharathi Nagar,
Sankari, Tamil Nadu-637 301.

4.The District Collector,
Erode District, Collectorate,
Erode-638 011.

5.The Superintendent of Police,
Erode District,
Erode-638 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari calling for the entire records with respect of Na.Ka.No.2473/2018/K4-2 order dated 28.02.2019 related to erection of Raigarh-Pugalur part (x) 800 KV HVDC High Tension Power line to be drawn in Erode District on the file of the fourth respondent herein and quash the same.

For Petitioner : Mr.S.Lakshmanasamy

For respondents : Mr.R.Thiagarajan,
Senior Counsel for
M/s.Aiyar & Dolia
for R2 and R3

Mr.K.Ravikumar,
Additional Government Pleader
for R4 and R5

ORDER

The petitioner has come to this Court challenging the impugned order bearing Na.Ka.No.2473/2018/K4-2 dated 28.02.2019 passed by the District Collector, Erode District, the fourth respondent herein, related to erection of Raigarh-Pugalur part (x) 800 KV HVDC High Tension Power line to be drawn in Erode District.

2.Learned counsel appearing for the petitioner would submit that the officers attached with the third respondent herein entered into the petitioner's land and took measurement and on enquiry, it was found that they are measuring for the purpose of erection of Tower Line in her land. Thereafter, the petitioner and other villagers are protesting against the erection of Towers in the agricultural field on various reasons. According to the learned counsel appearing for the petitioner, the above said project has been initiated to erect the Tower line 800 KV Raigarh-Pugalur high voltage direct connection Bipole Link and as per the report prepared by the Power Grid Corporation of India Limited, there were three different alternative route alignment and the authorities have approved the alternative Route No.1. However, as per the above report and map attached with report as far as State of Tamil Nadu is concerned, the tower line will be drawn through Vellore, Krishnagiri, Dharmapuri, Salem, Namakkal and Karur Districts and the end point will be at Pugalur in Karur District.

3.According to the learned counsel appearing for the petitioner, as per the approved project report and the alternative Route No.1, the tower line should be drawn in the above said districts alone and not in the Erode and Tiruppur districts. Despite repeated requests, the officials attached with the third respondent office refused to furnish the details in respect of erection of towers within Erode and Tiruppur Districts. Now the third respondent without following the rules and regulations prescribed in the Tamil Nadu Electricity Act 2003 and Indian Telegraph Act 1885, has violated Article 300-A of the Constitution of India dealing with the Right to Property.

In this regard, the petitioner and other villagers filed detailed objections to the fourth respondent.

4. Learned counsel appearing for the petitioner would submit that the petitioner requested the officials of the third respondent to furnish certain documents with respect to the order issued by the Power Grid Corporation of India Limited to erect the tower line within Erode and Tiruppur Districts. Without furnishing the documents mentioned in her written objections, the fourth respondent herein intended to proceed with the matter and therefore, the petitioner filed a stay application before the fourth respondent, but the same was rejected by him without any valid reason. However, the fourth respondent allowed the application filed by the third respondent by order dated 28.02.2019 on the ground that the petitioner is not entitled to get documents mentioned in her written objection and therefore, the same is liable to be interfered with. According to the learned counsel appearing for the petitioner, the respondents have not obtained approval for including both Erode and Tiruppur Districts in the project and therefore, they are not entitled to proceed with the erection of the tower line 800 KV Raigarh-Pugalur HVDC, interfering with the petitioner's land.

5. A detailed counter affidavit has been filed by respondents 2 and 3. Reiterating the averments made in the same, learned senior counsel appearing for respondents 2 and 3 would submit that the objection raised by the petitioner that the Erode and Tiruppur Districts have not been included in the project for erection of power line is wholly untenable. By producing typed set of papers dated 18.03.2019, containing public notices dated 06.05.2016 published by the Corporation, namely, in Times of India and Daily Thanthi, learned Senior Counsel appearing for respondents 2 and 3 would submit that Erode and Tiruppur Districts are also included in the project. Drawing the notice of this Court to the order dated 07.12.2018 in W.P. No.30124 of 2018, learned Senior Counsel further submitted that this Court dealing with the similar issue, taking note of the fact that the project is for the larger interest of the public and the transmission lines planned to be erected from Raigarh of Thattisgarh to Pugalur, State of Tamil Nadu, are crossing through five major states across the country and even in Tamil Nadu, the transmission lines are being laid for the distance of about 345 k.m., dismissed the same. Since the project has already been commenced and almost in the stage of completion, the petitioner do not have the locus standi to call for the entire project details under the garb of seeking the documents, which is beyond the scope of Section 16(1) of Indian Telegraph Act, 1885.

6.A perusal of the order dated 07.12.2018 passed in W.P. No.30124 of 2018 shows that the Assistant General Manager, Power Grid Corporation of India, Tirupattur, the second respondent therein being an organisation of the Government of India, has approved the project and that the transmission lines are crossing five State across the country and more specifically, the cables are being laid for 345 kilometers within the jurisdiction of the State of Tamil Nadu and therefore, this Court was of the view that the writ petitioners therein have no say to obstruct the project which is being implemented in the larger interest and for the development of our great nation.

7.In the present case, the objections raised by the petitioner that both Districts namely, Erode and Tiruppur have not been included in the project as per the Public Notices enclosed in the typed set of papers is not acceptable. This Court, giving liberty to the petitioner in respect of her land for getting compensation, is not inclined to interfere with the impugned order passed by the District Collector. Accordingly, the writ petition fails and the same is dismissed. Consequently, connected W.M.Ps are closed. No costs.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Ministry of Power and
Union Minister of State,
Ministry of Energy Sources,
Shram Shakti Bhawan,
Rafi Marge, New Delhi.

2.The Chairperson cum
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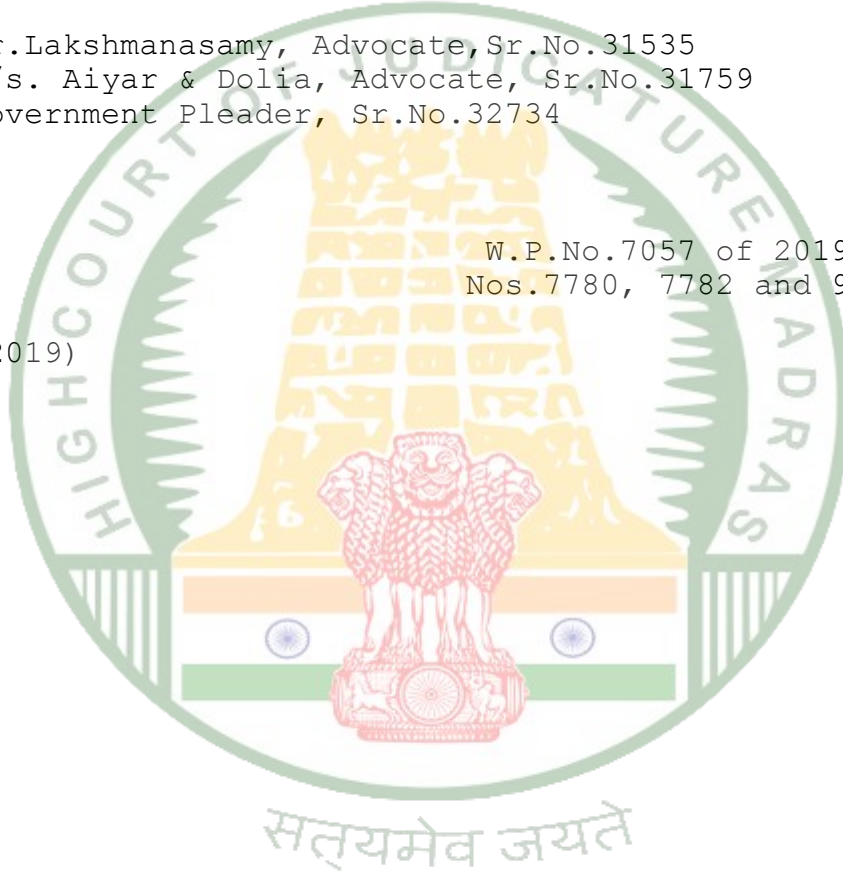
4.The District Collector,
Erode District, Collectorate,
Erode-638 011.

5.The Superintendent of Police,
Erode District,
Erode-638 001.

+1cc to Mr.Lakshmanasamy, Advocate, Sr.No.31535
+1cc to M/s. Aiyar & Dolia, Advocate, Sr.No.31759
+1cc to Government Pleader, Sr.No.32734

W.P.No.7057 of 2019 and W.M.P.
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mp(20/05/2019)



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