

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8815 of 2019

and

W.M.P.No.9389/2019

Dr.M.Gopinath

.. 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.26838/Soudhapuram (155/1)/2018/H.2" (dated 04.02.2019) 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 has been filed challenging the impugned order dated 4.2.2019 bearing Na.Ka.26838/Soudhapuram (155/1)/2018/H.2 passed by the District Collector, Namakkal, to quash the same with a consequential direction to the District Collector 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.

2. When the matter was taken up, Mr.R.Thiagarajan, learned Senior Counsel for the second respondent-Power Grid Corporation of India and Mr.K.Ravikumar, learned Additional Government Pleader for the first respondent jointly stated that the issue is similar to the one already considered by this Court in its order dated 13.3.2019 passed in W.P.No.6939 of 2019. The learned Senior Counsel further stated that on an earlier occasion, when the District Collector, Namakkal issued notice directing the person concerned to appear for enquiry on a particular date, the said notice issued by the District Collector reached him after the date of enquiry. On this ground, this Court set aside the order impugned therein, as it was passed without hearing the affected person, and directed the District Collector, Namakkal to reconsider the case after giving an opportunity of hearing. Therefore, a similar order may be passed, he pleaded.

3. Since the impugned order has been passed without hearing the petitioner, the same is set aside and the District Collector, Namakkal is hereby directed to issue a fresh notice by registered post with acknowledgment due to the petitioner/landlord specifying the date, time and place of enquiry well in advance and thereafter shall pass appropriate orders on merits. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.9389 of 2019 is closed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//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

+1 cc to Mr.K.Ravikumar, Advocate, S.R.No.30765

+1 cc to Mr.M.Guruprasad, Advocate, S.R.No.30410

+1 cc to the Government Pleader, S.R.No.31090

W.P.No.8815 of 2019

BR(CO)
SSM(21/05/2019).



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