

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2019

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.13014 of 2019
and W.M.P.No.13159 of 2019

K.Kaladevi

.. Petitioner

/versus/

1. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Energy Department,
Fort St.George, Chennai-600 009.
2. The Chairman,
Tamil Nadu Transmission Corporation,
144, Anna Salai,
Chennai-600 002.
3. The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation,
(Tamil Nadu Electricity Board),
182, Dr.Subbarayan Street,
Tatabad,
Coimbatore-641 012.
4. The Junior Engineer,
TLCI,
Tamil Nadu Transmission Corporation,
(Tamil Nadu Electricity Board),
Udumalpet Division,
Udumalpet-642 126.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned orders passed by the Government in G.O.(Ms) No.63 Energy(A1) Department dated 22.11.2017 along with the impugned communication in Lr.No.SE/GCC/CBE/DB/CHD/F.Dkt/D.356/19 dated 12.02.2019 and Lr.No.SE/GCC/CBE/DB/CHD/F.Dkt/D.552/19 dated 16.03.2019 and quash them and consequently direct the respondents 2 and 3 to settle the compensation and damages for the land and standing crops along with interest @ 9% p.a for the belated payment from 16.04.2018 to till its final settlement.

For Petitioner : Mr.R.Krishnamoorthy

For Respondents: Mr.N.Inbanathan, AGP for R1

: Mr.Abdul Saleem, St.c for R2 to R4

O R D E R

The petitioner herein has filed Certiorarified Mandamus challenging the order passed by the respondents rejecting the representation of the petitioner seeking compensation for the damages caused by the TANTRANSCO while entering upon her land for erecting High Tension line.

2. The grievance of the petitioner is that she made a request for compensation for the damage caused by the respondent while erecting High Tension tower in her field. In spite of causing damage to the crop and land, the respondent has rejected the claim without considering the loss caused by them. Whereas, in the counter filed on behalf of the 2nd and 3rd respondents. It is contended as below:

"6.I state that as per the directions of this Hon'ble Court for quantifying the loss/damages caused for arriving at the compensation amount to be payable, the petitioner herein was requested to attend office of the answering respondent on 10.01.2019 with relevant documents. It is to be pointed out that the petitioner did not respond to the request and instead had send the copy of MED from along with VAO certificate dated 15.03.2018, Pasali, FMB sketch of survey No.305. The said MED form was served to the petitioner during the completion of the work and the same needs to be submitted in a prescribed format, whereas the petitioner herein without following any of the procedures had submitted the said form claiming compensation.

7.I state that as mentioned above considering the request of the petitioner, the 3rd respondent had issued a set of MED form in identification of the land owner without filling up the details of crops/trees damaged as well as without any assessed value of compensation since there was no crops/trees found in the petitioner land in the area of tower at that time of tower foundation works. The said form was received by the petitioner during 2016. But, nearly after about 2 years, the petitioner had returned the above MED forms, without the authentication of the VAO in identification of land

owner and had also filled the above said MED form by herself. The Supervisors assessed value was not authorized by the officer on behalf of answering respondents and in it is fact that there was no trees or standing crops which were damaged during the execution of the work in the petitioners property."

3. It is further contended by the respondent that at the time of erecting tower there was no tree and crops under cultivation in the petitioner's land.

4. In any event particularly, it is pointed out by the counsel for the respondent that the request for compensation should be in a particular format with all details and proper endorsement by the Assessing Officer, Revenue Officer and Supervisor who have assessed the damage. In the case of the petitioner her application does not carry any information regarding the value of the damage and endorsement by the authorities. The copy of the application given by the petitioner also furnished to this Court for perusal, which was also form part of the typed set of papers annexed to the writ petition. The petitioner has not furnished necessary details for assessing damage cannot accept the respondent to assess the damage on his own.

5. Therefore, it is suffice to direct the petitioner herein to submit the representation for damages in the appropriate format to furnish all the required information and details duly filled. On receipt of such representation the 3rd respondent shall pass appropriate orders within a period of six weeks from the date of receipt of copy of this order.

6. Accordingly, the writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
Energy Department,
Fort St. George, Chennai-600 009.

2.The Chairman,
Tamil Nadu Transmission Corporation,
144, Anna Salai,
Chennai-600 002.

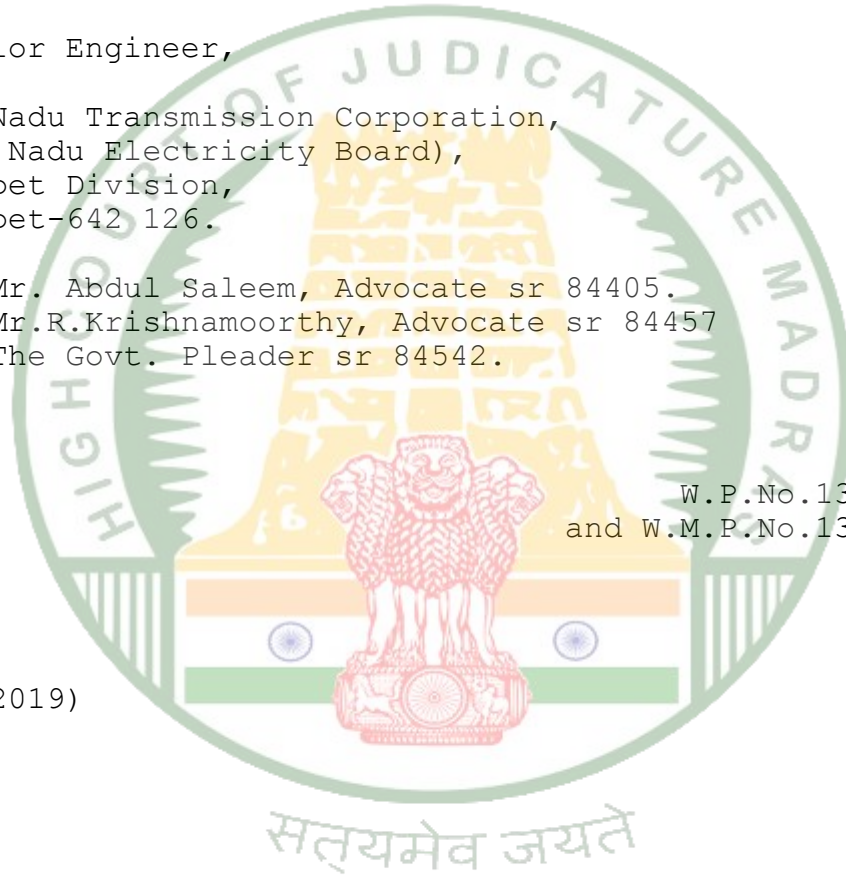
3.The Superintending Engineer,
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4.The Junior Engineer,
TLCI,
Tamil Nadu Transmission Corporation,
(Tamil Nadu Electricity Board),
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Udumalpet-642 126.

+1 CC to Mr. Abdul Saleem, Advocate sr 84405.
+1 CC to Mr.R.Krishnamoorthy, Advocate sr 84457
+1 CC to The Govt. Pleader sr 84542.

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AD(CO)
SP(08/11/2019)



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