

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.03.2019

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.13747 of 2018

M/s.Sree Rayalaseema Hi-strength Hypo Ltd.,
Represented by its Authorized Signatory,
Shri.K.Gurumoorthy,
New No.100, Old No.74, 1st Floor,
Greenways Road Extension, R.A.Puram,
Chennai - 600 028.

.. Petitioner

vs

1.The District Collector-cum
The District Executive Magistrate,
Kancheepuram District,
Tamil Nadu - 631 501.

2.The Chief Engineer,
Transmission Projects-I,
Tamil Nadu Transmission Corporation Ltd.,
Chennai - 32.

3.The Superintending Engineer,
General Construction Circle - I,
A-10, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 32. .. Respondents
(R2&R3 were impleaded by TRJ vide
WMP.No.17372/18 in W.P.No.13747/18, dt.26.3.19)

Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the Respondent to consider the Petitioner's letter dated 05.10.2017 for grant of compensation under Section 10(d) r/w 16(3) of the Indian Telegraph Act, 1885 and in terms of decision of the Hon'ble Supreme Court in the case of Kerala State Electricity Board V.Livisha reported in (2007) 6 SCC 792 and by fixing a time frame.

For Petitioner : Mr.Hari Radhakrishnan

For Respondent : Mr.K.Ravikumar,
Additional Government Pleader

O R D E R

This writ petition is filed for issuance of a writ of Mandamus, directing the first respondent/District Collector-cum-District Executive Magistrate, Kancheepuram, for grant of compensation under Section 10(d) r/w 16(3) of the Indian Telegraph Act, 1885, read with the judgment of the Hon'ble Apex Court in the case of Kerala State Electricity Board V.Livisha reported in (2007) 6 SCC 792 within a time frame.

2.Heard the learned counsel appearing on either side.

3. It is averred in the affidavit filed in support of the writ petition that the petitioner claims to be the absolute owner of a land in Survey No.217 of Tiruporur Village, Kancheepuram District, by virtue of a Registered Sale Deed bearing Document Nos.1949/2003, 1951/2003 and 2239/1993. It is also stated that since the respondent has erected transmission lines utilizing the petitioner's land, he has filed a Writ Petition No.3973 of 2017 questioning the same unsuccessfully. Subsequently, he has also filed a Writ Appeal No.180 of 2018, which was also dismissed by this Court on 16.02.2018, making an observation that the petitioner is entitled to get compensation. In the meanwhile, he has also submitted a representation dated 05.10.2017 to the first respondent seeking compensation, however, the same has not been considered by the respondent till date.

4. In view of the above, considering the fact that the Hon'ble Division Bench of this Court, vide its judgment dated 16.02.2018 passed in W.A.No.180 of 2018, while dismissing the writ appeal made an observation that the petitioner is entitled for compensation, this Court directs the respondents to pass orders on the pending representation dated 05.10.2017 of the petitioner after providing an opportunity of personal hearing to him and also in the light of the observation made by the Hon'ble Division Bench of this Court as stated supra. Liberty is also given to the petitioner to submit necessary documents to the concerned authority. With this direction, the writ petition is disposed of. No Costs.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector-cum-
The District Executive Magistrate,
Kancheepuram District,
Tamil Nadu - 631 501.

2.The Chief Engineer,
Transmission Projects-I,
Tamil Nadu Transmission Corporation Ltd.,
Chennai - 32.

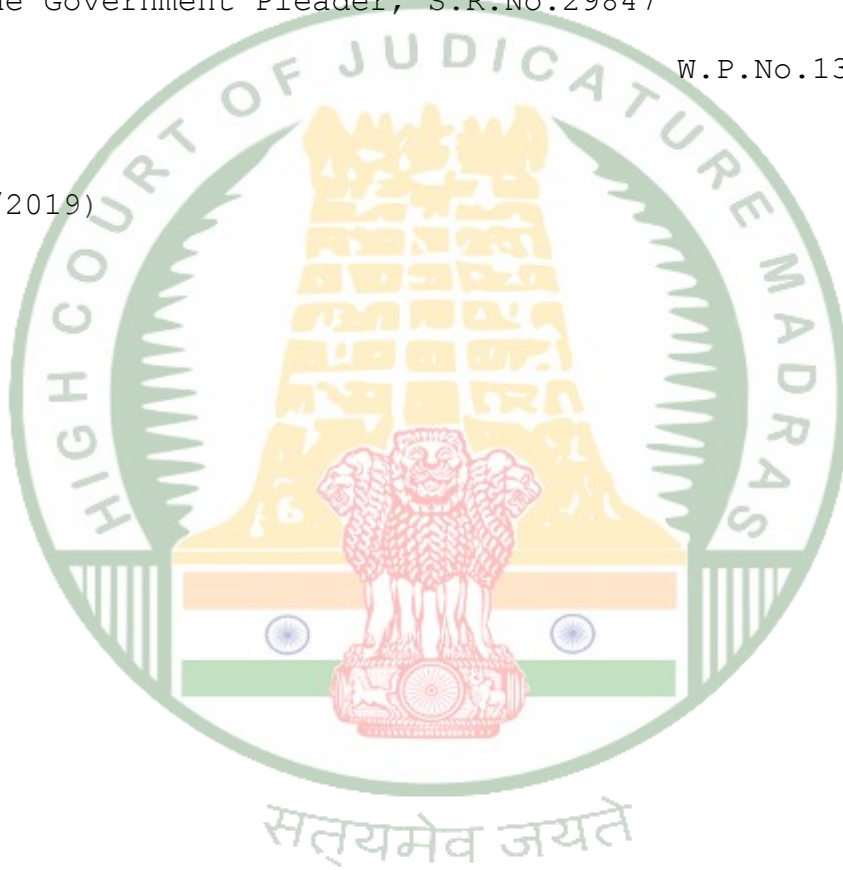
3.The Superintending Engineer,
General Construction Circle - I,
A-10, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 32.

+lcc to M/s.Hari Radhakrishnan, Advocate, S.R.No.28810
+lcc to the Government Pleader, S.R.No.29847

W.P.No.13747 of 2018

BR(CO)

RRS (17/06/2019)



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