

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.22873 of 2018

Santhoshkumar

.. Petitioner

-vs-

1.The Chairman,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Chennai.

2.The Superintending Engineer,
Transmission Line Construction,
Tamil Nadu Electricity
Generation & Distribution Corporation,
Villupuram.

3.The Junior Engineer,
Transmission Line Construction,
Tamil Nadu Electricity
Generation & Distribution Corporation,
Villupuram.

4.The Superintending Engineer,
Transmission Line Construction,
Tamil Nadu Electricity
Generation & Distribution Corporation,
Cuddalore.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to remove the overhead lines placed across and above the lands of the petitioner bearing S.No.67/- Hec.1.26.0 in Arisiperiankuppam Village, (M.Pudur), Cuddalore Taluk, Cuddalore District or alternatively directing the respondents to pay petitioner Rs.30 lakhs as compensation together with interest.

For Petitioner : Mr.D.Baskar

For respondents : Mr.Abdul Saleem,
Standing Counsel

ORDER

The writ petition has been filed seeking a direction to the respondents to remove the overhead lines placed across and above the lands of the petitioner bearing S.No.67/- Hec.1.26.0 situated at Arisiperiankuppam Village, (M.Pudur), Cuddalore Taluk, Cuddalore District or alternatively to pay the petitioner Rs.30 lakhs as compensation together with interest.

2.Learned counsel appearing for the petitioner would submit that the petitioner is having the above land with 150 cashew trees, 6 jack fruit trees, 10 teak wood trees, 15 neem trees and other trees. While so, in September 2014, the officers belonging to the respondent electricity board have laid over-head lines across and above the petitioner's land by cutting the trees, which were worth several lakhs of rupees and they have misrepresented that Rs.30,00,000/- would be paid as compensation. In the meanwhile, the petitioner's father died on 04.05.2016. According to the learned counsel appearing for the petitioner, neither the compensation has been paid nor any relief has been granted to the petitioner and therefore, the petitioner has been advised to come to this Court.

3.Learned Standing Counsel appearing for the respondents would submit that now the compensation has been worked out for laying the over-head lines above the petitioner's land covered in Survey No.67/- Hec.1.26.0 situated at Arisiperiankuppam Village, (M.Pudur), Cuddalore Taluk, Cuddalore District. Since the land has been jointly owned by the petitioner's father and mother, after working out a sum of Rs.99,300/- as a total compensation payable to the petitioner's family, they have proportionately divided the said amount namely, Rs.49,600/- towards his mother's name and Rs.49,700/- as his father's name. In view of the death of the petitioner's father, the petitioner has to produce relevant documents, such as legal heir ship certificate, Aadhar Card and Ration Card before the Superintending Engineer, Transmission Line Construction, Tamil Nadu Electricity Generation & Distribution Corporation, Villupuram, the second respondent Superintending Engineer, Transmission. On production of the above documents, the proportionate amount of compensation will be paid to the petitioner.

4.Recording the submission made by the learned Standing Counsel appearing for the respondents, the writ petition stands disposed of granting a week's time to the petitioner to produce the above said documents, from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to pay the proportionate amount of compensation to the petitioner within a period of two weeks thereafter. Liberty is

given to the petitioner to work out his remedy for enhancement of compensation. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
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Distribution Corporation,
Chennai.

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Transmission Line Construction,
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Transmission Line Construction,
Tamil Nadu Electricity
Generation & Distribution Corporation,
Cuddalore.

+1cc to Mr.Mr.Abdul Saleem, Advocate, S.R.No.32235

KS(CO)

vr (20/05/2019)

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