

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2019

CORAM

THE HONOURABLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 14709 of 2019

and

W.M.P. Nos. 14696 and 14697 of 2019

1. Thangarasu

2. Vijayalakshmi

... Petitioners

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

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the Records of the Impugned Orders in "Na.Ka.36695/Chikkanaickenpalayam (175/0)/2018/H.2" (dated: 09.02.2019) (pertaining to the 1st petitioner) and "Na.Ka.36695/Chikkanaickenpalayam (175/1)/2018/H.2" (dated: 11.02.2019) (pertaining to the 2nd petitioner) of the 1st respondent and quash the same, and consequently direct the 1st respondent to consider these Petitioner's Objections after furnishing the petitioners 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 petitioners and also giving these petitioners reasonable opportunity within a time frame fixed by this Court.

For Petitioners: Mr. M. Guruprasad

For Respondents: Mrs. K. Bhuvaneswari,
Government Advocate (for R1)

: Mr. R. Thiagarajan,
Senior Counsel
for M/s. Aiyar & Dolia (for R2)

O R D E R

The Writ Petition challenges the orders bearing Na. Ka. 36695/ Chikkanaickenpayalaym (175/0)/2018/H.2" dated 09.02.2019 and Na. Ka. 36695/ Chikkanaickenpayalaym (175/1)/2018/H.2" dated 11.02.2019 relating to the First and Second Petitioners passed by the First Respondent and for consequential direction.

2. Heard Mr. M. Guruprasad, Learned Counsel for the Petitioners, Mrs. K. Bhuvaneswari, Learned Government Advocate appearing on behalf of the First Respondent and Mr. R. Thiagarajan, Learned Senior Counsel appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

3. The main grievance ventilated by the Learned Counsel for the Petitioners is that before passing the impugned orders, the Advocate for the Petitioners was on 22.01.2019 served with a notice dated 14.01.2019 to appear for enquiry on 21.01.2019 before the First Respondent making it practically impossible for the Petitioners to attend that hearing. It is further submitted that a letter dated 23.01.2019 was sent to the First Respondent requesting to fix another date for enquiry, but no reply was received for the same and instead the impugned orders dated 09.02.2019 and 11.02.2019 have been passed which entail adverse civil consequences to the Petitioners.

4. The Learned Senior Counsel appearing for the Second Respondent fairly submitted that in view of the aforesaid complaint of violation of principles of natural justice made by the Petitioners, the impugned orders may be set aside and that the First Respondent, viz., District Collector, Namakkal may issue a fresh notice to the Petitioners for hearing specifying the date, time and place so that the Petitioners or on their place their Counsel may appear without seeking any further time.

5. Recording the aforesaid submissions made, the impugned orders Na. Ka. 36695/Chikkanaickenpayalaym (175/0)/2018/H.2" dated 09.02.2019 and Na. Ka. 36695/Chikkanaickenpayalaym (175/1)/2018/H.2" dated 11.02.2019 passed by the First Respondent, viz., District Collector, Namakkal are set aside, and the First Respondent is directed to issue fresh notice by Registered Post with acknowledgement due to the Petitioners atleast two weeks before proposed date of hearing to the Petitioners specifying the date, time and place of enquiry and thereafter decide the matter after affording full opportunity of

hearing to all parties concerned considering each of the objections made by them and pass reasoned orders on merits and in accordance with law and communicate the decision taken to the parties concerned and complete the aforesaid exercise by 31.07.2019.

6.The Writ Petition is disposed of on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

s/d-
Assistant Registrar (VO)

True Copy

Sub-Assistant Registrar

vjt/abr
To

1.The District Collector,
Office of the District Collector,
Namakkal District, Namakkal.

+1 CC to The Govt. Pleader sr 44180.
+1 CC to Mr.M.Guruprasad, Advocate sr 44152.

W.P. No. 14709 of 2019

PA (CO)
SP (27/05/2019)

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