

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.7.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.2339 of 2019
and
C.M.P.No.15416 of 2019

S.Velumani

Appellant

vs.

1. The Chairman
Tamil Nadu Generation and
Distribution Corporation Ltd.,
NPKRR Maligai,
144, Anna Salai,
Chennai - 600 002.
2. The District Collector,
Tiruppur District,
Tiruppur.
3. The Superintendent Engineer
General Construction Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Tatabad, Coimbatore.
4. The Superintendent Engineer
General Construction Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Perundurai, Erode District.
5. The Superintendent Engineer
Towerline Construction,
Tamil Nadu Transmission Corporation Ltd.,
Ellaimedu, Perundurai Taluk,
Erode District.

Respondents

Writ Appeal filed under Clause 15 of Letters Patent against
the Order of the learned Single Judge dated 30.1.2019 made in
W.P.No. 6949 of 2017.

Prayer in WP.No. 6949 of 2017 : Writ Petition filed under Article 226 of the constitution of India, praying to issue a Writ of Certiorarified Mandamus Calling for the entire records relating to impugned proceedings passed by the 2nd respondent in Na. Ka. 13187/2016/Oo4 dt 21.2.2017 quash the same further directing the respondents 3 to 5 to draw the EHD line in the existing transmission tower line which is situated in the odai promboke between Kanakampalayam Village and Perumanallur Village.

For Appellant : Mr. M.Easan

For R1, R3, R4
and R5 : Mr.Abdul Saleem

For R2 : Mr.R.Udhayakumar,
Additional Government Pleader

JUDGMENT

(Delivered by C.V.KARTHIKEYAN, J)

The Writ Appeal has been filed under Clause 15 of the Letters Patent questioning the Order passed in W.P.No.6949 of 2017 dated 30.1.2019 whereby the learned Single Judge had dismissed the Writ Petition.

2. In the connected Writ Appeals viz., W.A.No.2032 of 2019 and batch, this court has delivered a detailed judgment on 16.7.2019, the operative portion of which is quoted below for ready reference:-

"28. It is thus evident that by drawing the respondents to an endless line of litigation, the writ appellants have effectively stalled the project from being completed. This is against public interest and public interest must override the private interests of the appellants. Their bona fide are questionable. 29. In this connection, the directions of the learned Single Judge that the respondents are to settle full compensation and the guidelines laid down for the same are well founded and are upheld by us.

30. However, in the larger public interest, we also issue the following directions:-

I. The respondents are directed to ensure 100% completion on war footing of the works of establishment of 400KV DC Line with Quad Moose ACSR from Rasipalayam 400 KV SS to Dharmapuri

(Palavadi) 400 KV SS and erection of 230 KV SC Line on DC Towers from Arasur 400 KV SS (PGCIL) to Ingur 230 KV SS (Line D), which project has been stalled owing to successive litigations in various course and prolonging of such litigations effectively by the writ appellants and by other land owners;

II. The respondents are specifically directed to ensure completion of the project as expeditiously as possible particularly also since the projects have been funded by grant under the National Clean Energy Fund from Government of India and soft loan from M/s. KfW, German Funding Agency;

III. The District Collector is directed to ensure that enquires are conducted and orders are passed without any delay with respect to payment of compensation and if any objections are raised by holding enquiry on a day-to-day basis and if necessary to form a separate Cell for such enquiry; and finally,

IV. The respondents are specifically granted permission to enter upon the lands of the appellants and such other land owners, who had raised objections and ensure that the towers are erected and overhead lines are drawn without any further delay.

31. We are confident that the concerned Officials would bestow their attention in complying with the directions. The issue of payment of compensation can be taken up simultaneously, but independently, as directed by the learned Single Judge and pendency of enquiries regarding the quantum of compensation should not be a ground to deny permission for entry upon the lands and erection of towers and drawing of overhead lines. Enquiry into grant or otherwise of compensation are an entirely separate independent procedure.

32. In view of the above reasons and particularly in view of the fact that the challenge to the two projects are also found to be motivated with personal interest overriding larger public interest, we have no hesitation in holding that the Writ Appeals are devoid of merits and

deserve to be dismissed. We direct the respondents to produce a copy of this order before all forums, Civil, Judicial or Quasi Judicial to ensure that the project or such other projects are not injuncted from further progress by order of any Court or any Judicial Authority.

33. Accordingly, the Writ Appeals are dismissed. No order as to costs. Consequently, connected Miscellaneous Petitions are closed."

3. In view of the above, the present Writ Appeal is disposed of in the same terms. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar

Ssk.

To

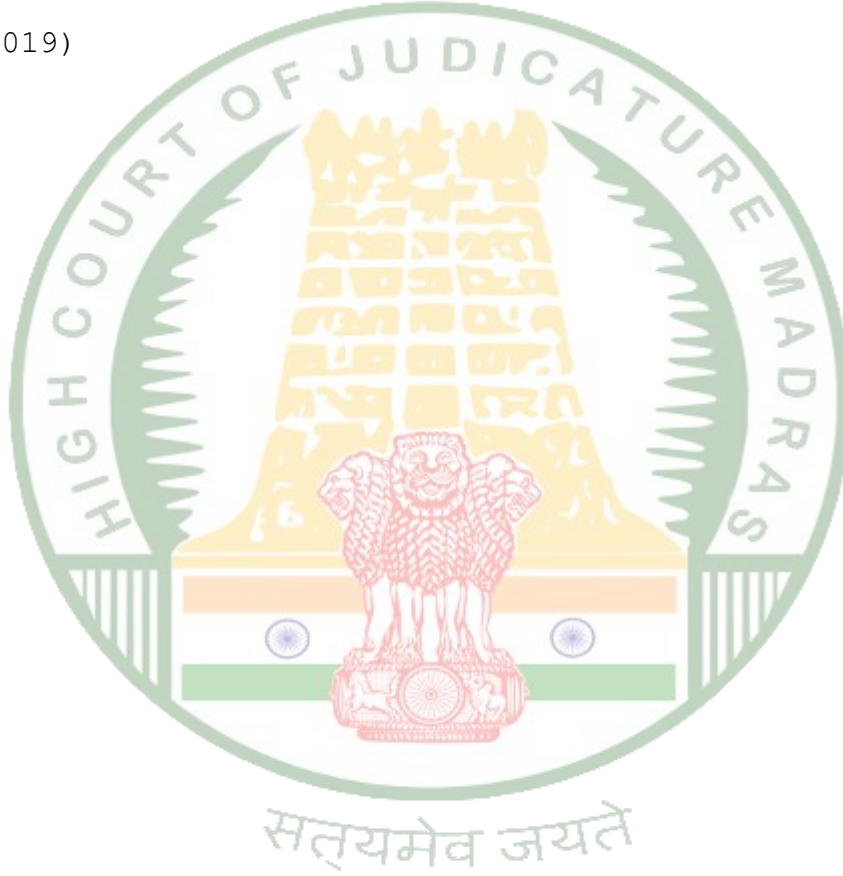
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+1cc to Mr.Abdul Saleem, Advocate, S.R.No. 64979
+1cc to the Government Pleader, S.R.No. 65044

W.A.No.2339 of 2019

BP (CO)
GN (03/10/2019)



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