

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 21.08.2019

Coram

THE HONOURABLE MR.JUSTICE T. RAJA

Contempt Petition Nos.1138 to 1140 of 2019

P.Kanagavalli ... Ptitioner in
Cont.P.No.1138 of 2019

K.Pechimuthu ... Petitioner in Cont.P.
No.1139 of 2019

R.Palanisamy ... Petitioner in Cont.P.
No.1140 of 2019

Versus

Power Grid Corporation of India Limited,
rep. by its Branch Manager,
400/230 KV Office,
Chennai Andavar Koil Opposite
Karumathampatty Post,
Coimbatore-641 659.
By located Regional Office.
Rep. by S.Mohan Gandhi,
Senior DGM
Power Grid Corporation of India Limited,
TLC Office, 28 B-2
First Floor,
Pollachi Road,
P.Vadugapalayam,
Palladam 641 664.

... Respondent in all cases

Prayer in all cases: Petitions filed under Section 11 of
the Contempt of Courts Act 1971 to punish the respondent
herein for disobeying the orders of this Court dated
29.04.2019 passed in W.P. Nos.13055, 13046 & 13065 of 2019.

For Petitioners in all cases : Mr.V.Ravi

For Respondent in all cases : Mr.R.Thiagarajan,
Senior Counsel for
M/s.Aiyar and Dolia

COMMON ORDER

The Contempt Petitions have been filed to punish the respondent herein for disobeying the orders of this Court dated 29.04.2019 passed in W.P. Nos.13055, 13046 & 13065 of 2019.

2.Mr.V.Ravi, learned counsel appearing for the petitioners would submit that when there was a specific direction given by this Court directing the Power Grid Corporation of India Ltd., the respondent herein to issue notice to the petitioners within one week from the date of receipt of the copy of the order informing the time and place of hearing to the petitioners and on receipt of such notice, the petitioners were directed to appear for the personal hearing and after hearing the petitioners, the respondent herein was directed to pass appropriate reasoned orders, the same have not been complied with because the respondent has not taken note of the binding judgment of the Hon'ble Supreme Court. Learned counsel appearing for the petitioners would further submit that the respondent wants to use the petitioners' land without making payment of damages as valued in the report of the petitioner. Now in view of the high voltage current going to pass on the high tension wire, the petitioners would not be able to take away the 'M' sand, rough stone, etc. by using

explosive materials. Since the land compensation also includes the sub-soil energy, mines available underneath the petitioners, the same has not been taken into consideration by the respondent.

3.In reply, Mr.R.Thiagarajan, learned Senior Counsel appearing for the respondent, by way of filing counter affidavits, while urging this Court to dismiss the contempt petitions, would submit that every direction given by this Court has been duly and punctually complied with and after receipt of the order, notices were issued to the petitioners calling upon them to appear for personal hearing.

4.Referring to G.O. Ms. No.63 Energy (A1) Department dated 22.11.2017, learned senior counsel would further submit that clearly mentioning the Letter No.CE/C/Tr/SE/C-1/Tr/D.No.59/16 dated 14.01.2016, under the powers conferred in Electricity Act 2003 and Indian Telegraph Act 1885, TANTRANSO has been paying only crop compensation based on the rates assessed by the revenue authorities for the various types of crops damaged and various types of trees removed which are essentially required to have adequate vertical and horizontal clearances as prescribed by the Indian Electricity Rules. Learned senior counsel would further submit that the Government of India, Ministry

of Power has formulated certain guidelines regarding payment of compensation towards damages in regard to Right of Way for transmission lines as stipulated in Sections 67 & 68 of the Electricity Act 2003 read with Sections 10 and 16 of Telegraph Act, 1885 which will be in addition to the compensation towards normal crop and tree damages. Accepting the said guidelines, regarding payment of compensation, the Central Government has ordered the payment of compensation towards damages in regard to right of way for transmission lines covering 110 kv & 230 kv lines and above. After hearing the parties, a detailed order has also been passed on 10.06.2019 by the District Collector, therefore nothing survives in the petitions.

5.Learned senior counsel would further submit that the petitioner in Contempt Petition No.1140 of 2019, who was owning the land in S.F.No.463/3A2, was entitled to get the benefit of the G.O. Ms. No.63 namely, 85% of the land value for the tower based area and 15% of the land value for the corridor above which the high tension wire could be taken from one tower to another tower. Since 32.26 sq.mts. is going to be used by the respondent for erection of tower, a sum of Rs.18,701/- has been arrived at as a compensation payable to the above said petitioner, who has also filed a sworn affidavit accepting the said amount, therefore, the petitioners cannot come to this Court and make a claim that

the order passed by this Court has not been complied with.

6.Adding further the learned senior counsel would submit that the submission made by the learned counsel appearing for the petitioners to the effect that the petitioners had a plan of utilisation of the land for quarrying the stone from the land in question is wholly far from acceptance in as much as the land in question has been located close to the water canal, no authority can give quarrying permission.

7.It is also seen from records that the Parambikulam Aliyar Project Canal is running close to the land in question and the learned senior counsel has also produced a sketch showing the location of the petitioners' land and also the running of canal, which on a close perusal, clearly shows that the submission made by the learned senior counsel is in-disputable that the land in question cannot be allowed to be used for quarrying purpose.

8.Learned counsel appearing for the petitioners would submit that the petitioners got a right to question the correctness of the order.

9.Be that as it may. This Court finds no merit whatsoever in the Contempt Petitions. Taking note of the facts that the petitioner in Contempt Petition No.1140 of 2019 has received an order quantifying an amount of

compensation of Rs.18,701/- and consequently, sworn affidavit has also been filed by him, accepting the amount, without any prejudice, therefore, the Contempt Petitions cannot be entertained. Accordingly, the Contempt Petitions are dismissed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/26/09/2019

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