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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.2167 of 2019 and
C.M.P.Nos.14493 & 16075 of 2019

1. Vai.Palanisamy
 2. A.Rajendran
 3. K.Manickam
 4. M.Kathiresan
 5. K.Chellamuthu
 6. K.Kandasamy
 7. P.Thirumalaisamy
 8. R.Ravikumar
 9. T.Ananda Kumar
 - 10.K.K.Palanisamy
 - 11.R.V.Selvakumar
- ... Appellants / Petitioner

-Vs-

1. Union of India Represented by
The Secretary, Ministry of New and
Renewable Energy, Block-14, CGO Complex
Lodhi Road, New Delhi - 110 003.
2. Central Electricity Authority
represented by The Chairperson
Sewa Bhavan, R.K.Puram
Section-1, New Delhi - 110 066.
3. Power Grid Corporation of India Ltd.,,
represented by The Managing Director
B-9, Qutab Institutional Area
Katwaria Sarai, New Delhi- 110 016.
4. The District Collector
Coimbatore District, Coimbatore.
5. The District Collector
Tiruppur District, Tiruppur.
6. The District Collector
Erode District, Erode.
7. The District Collector
Namakkal District, Namakkal.
8. The District Collector
Salem District, Salem.



9. The District Collector
Dharmapuri District, Dharmapuri.
10. The District Collector
Villupuram District, Villupuram.
11. 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 / Respondents

For Appellants : V.Raghavachari for M/s.Guruprasad M

For Respondents: Mr.A.N.Thambidurai, Special Government Pleader
- for RR 4 to 10

Mr.R.Thiagarajan, Senior Counsel
for M/s.Aiyar & Dolia - for R11

Prayer :Writ Appeal under Clause 15 of the Letters Patent,
against the order passed by this Honourable Court in W.P.No.15077
of 2019 dated 26.06.2019.

Prayer W.P.No.15077 of 2019: Writ Petition is filed under
Article 226 of the Constitution of India, to issue Writ of
Certiorarified Mandamus, to call for the records of the impugned
paper publications in i). "The New Indian Express, Chennai
Edition" dated: 20.04.2016, ii). "The Time of India, Chennai
Edition" dated:06.05.2016 & iii). "The New Indian Express,
Chennai Edition" dated:20.05.2016 of the 3rd & 11th respondents
with respect to the Power Transmission Projects namely.

- a. Raigarh to Pugalur 800 KV HVDC Line.
- b. Pugalur to North Thrissur 400 KV (Quad) D/C Line.
- c. Pugalur HVDC Station - Pugalur Existing 400 KV (Quad) D/C
Line.
- d. Pugalur HVDC Station - Arasur 400 KV (Quad) D/C Line.
- e. Pugalur HVDC Station - Thiruvalam 400 KV (Quad) D/C Line.
- f. Pugalur HVDC Station - Edayarpalayam 400 KV (Quad) D/C Line.
- g. Edayarpalayam - Udumalapet 400 KV (Quad) D/C Line.

of the 3rd & 11th respondents and quash the same and
subsequently direct the 3rd & 11th respondents to issue Fresh
paper publications/Notifications with respect to the above
Projects with detailed description of the Affected lands & also
with the provision of the Hearing objections of such affected
land owners by a Third-Party Competent Authority.



and large going to provide uninterrupted electricity supply, is only an attempt by some vested interest through the petitioners to keep the State in dark and perennial starvation for electricity. This Court cannot be privy to the said evil design.

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19. For the aforesaid reasons, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed."

2. While issuing notice, this Court passed the following order on 16.07.2019.

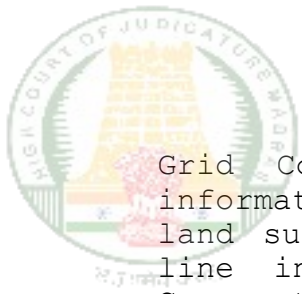
" The whole burden of the case of the appellants seems to be that the details of route of seven Power Transmission Projects viz., Raigarh to Pugalur etc., published in Indian Express of 20.04.2016, Times of India of 06.05.2016 etc., were not supplied to them by the Power Grid Corporation of India, Sankagiri, Salem District, which is arrayed as Respondent No.11 and therefore, they filed the Writ Petition.

2. We are rather intrigued by the prayer made in the Writ Petition before the learned Single Judge. The learned counsel for the appellants submits that there was no answer from the said respondent on the aforesaid issue. We are not believing the said submission as the details of the project should be in public domain.

3. Therefore, we direct the appellants to approach the said respondent No.11 by way of fresh representation asking the details of the route of power transmission. Unless the land or houses of the appellants / petitioners are likely to be adversely affected by the said route of power transmission in question, the appellants / petitioners have no cause of action at all and it seems that they are prematurely approached the writ Court. Therefore, the appellants / petitioners will immediately move Respondent No.11 and it shall, within a period of two weeks from today, furnish the requisite details of Route, Survey Numbers of affected lands in the said route etc., to the appellants. The respondent No.11 also file the same in this Court with an affidavit through their counsel before the next date of hearing. If the same are not furnished, the concerned Deputy General Manager of Respondent No.11 shall remain present before this Court on the next date of hearing. Put up on 30.07.2019."

3. Today, the respondent Power Grid Corporation Limited have moved an application in C.M.P.No.16075 of 2019, seeking a recall of the aforesaid order dated 16.07.2019.

4. We have heard the learned counsel for the respondents. Learned Senior Counsel Mr.R.Thiagarajan, appearing for M/s.Power



Grid Corporation Limited submitted a chart containing the information about the 11 writ petitioners / appellants, their land survey numbers, and the status of the power transmission line in question being laid by the respondent Power Grid Corporation. The said chart is said to have been produced before the learned Single Judge also and is quoted in paragraph No.11 of the order impugned before us. Learned Senior Counsel also relied upon the judgment of the Coordinate Bench of this Court, in which other petitioners have challenged the same project and the writ appeal filed by them was dismissed by the Division Bench of this Court vide order dated 11.04.2019 in W.A.No.79 of 2019 (R.Raja and Others -Vs- The District Collector, Dharmapuri and Others). The said judgment inter alia discussed the procedure for erection of the towers for the said project, which is also quoted from paragraph No.3 of the said judgment.

" 3.While implementing the erection of towers, the following procedure is adopted.

Procedure for erection of Towers

1. The entire distance of 1845 kms from Raigarh to Pugalur is divided into packages viz., 10 packages.
2. Each package is for about 180 Kms.
3. For Tamil Nadu, 345 kms is divided into 2 packages viz., Package 9 and 10.
4. A straight line is drawn between Raigarh and Pugalur.
5. Regarding Tamil Nadu, the starting point is Chittoor. A straight line called " Bee Line" is drawn from Chittoor to Pugalur.
6. The Engineers go along the BEE LINE as nearly as possible avoiding settlements, Railway line, Road Crossing, River, Forest.
7. They conduct a walk over survey.
8. They propose three alternate routes to find out which is most economically and technically feasible route.
9. Then the Angle points are also fixed.
10. Thereafter, a detailed survey is made.
11. The above exercise are shown in the Map.
12. The next stage is whatever is there in the Map is transferred to the ground viz., marked in the ground.
13. The angle points are fixed on ground by using Global Positioning System (GPS) instruments.
14. The ground level is then checked. Geographical details are collected and line peg mark is fixed.
15. A profile is made on the above details.
16. Then for every 20 meters, ground level measurement is taken.
17. Normally, the space between two towers is 400 meters. The span will depend on the ground level, road, railway track, river and settlements and technical aspects.



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18. Then the tower schedule is prepared.
19. On due approval of the above, check survey is done.
20. Exact tower point is fixed with the help of survey instrument.
21. It is only at that stage, we know that exact survey number over which the tower is to be located.
22. After fixing the tower location, the details as to the ownership and the person who is the owner of the land are obtained from the revenue authorities."

5. Those petitioners approached the Honourable Supreme Court in S.L.P.(C).No.11596 of 2019, which was dismissed by the Supreme Court on 22.07.2019, finding no good ground to entertain the Special Leave Petition. Learned Senior Counsel also relied upon a recent judgment rendered by this Bench in the case of "S.Selvaraj -Vs- The District Collector, Erode and Others". This Bench dismissed the writ appeals, in which the challenge was laid to setting up of power transmission lines of 400 KV 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). The observations made by this Bench are also quoted below for ready reference.

" 27. Similarly with respect to erection of 230 KV SC Line on DC Towers from Arasur 400 KV SS (PGCIL) to Ingur 230 KV SS (Line D), foundation for erection of tower has been completed for 186 towers out of a total of 229 towers and only 166 towers have been completely erected. The electricity line stringing has been completed only for 27.714 kms out of the total route length of 54 kms.

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."

6. Therefore, the learned Senior Counsel urged that the present writ appeal does not have any ground to sustain and it has to be dismissed in the light of the observations / findings given in the said judgments relied upon by him.



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7. On the other hand, Mr.V.Raghavachari, learned counsel appearing for the appellants / writ petitioners submitted that the rights of the individual farmers were affected and objections were filed against the public notice issued by the respondent Corporation in the first instance on 20.04.2016. The said notice even permitted the members of general public to make representations on the proposed transmission system and stated that a copy of the route alignment is available in the office of the Deputy General Manager of Power Grid Corporation Ltd., The appellants / writ petitioners apparently did not approach the said authority by way of a representation and have straight away filed the writ petition. Learned counsel submitted that no individual notice was given to the petitioners before coming to the land and straight away making efforts for setting up of transmission towers and user of the land.

8. We have heard both the learned counsel at some length and we are of the clear opinion that the present writ appeal deserves to be dismissed.

9. The issue in this regard has been discussed in detail by two Division Benches of this Court by the aforesaid quoted portions. The position of law is fairly well settled by the dismissal of the Special Leave Petition by the Honourable Supreme Court, wherein it is held that the projects of public importance like setting up of power transmission lines do not call for interference by the Courts of law in the first instance. As we have seen above, the filing of the writ petition itself was premature. The petitioners seems to have made no effort in eliciting the necessary information from the respondents. They rather came to the Court to initiate such enquiry by this Court, which could not have been encouraged. The right to receive compensation by the individuals, whose land is being used for setting up of such power transmission line or power, is not even in question. The compensation paid by the respondent Corporation in such case shall be paid in accordance with the provisions of law and there is no dispute on that. It seems the petitioners / appellants approached this Court on a foundationless apprehension against the public notice itself, without making the necessary enquiry from the respondent Corporation. If their land was to be used for setting up a transmission line in question, the compensation procedure and payment of compensation would have definitely ensued, but just putting the project of public importance into litigation seems to have been the aim of the writ petitioners / appellants. We have also quoted above the procedure to be adopted by the Power Grid Corporation, which was duly quoted by the learned Single Judge as well as the Coordinate Bench. Whenever the land in question is identified with the survey numbers, the respondent Corporation put to notice all the individuals concerned under the provisions



of the Indian Telegraph Act, 1885, and the determination of compensation also takes place on the other hand. Such details of the land were not only produced before the learned Single Judge, but was duly noted by the learned Single Judge in the order impugned before us.

10. Since our attention does not appear to have been drawn to that paragraph 11 of the order passed by the learned Single Judge, while issuing notice, we again called upon the respondent Power Grid Corporation to give such details. The respondents have expressed their willingness to give all the details of the project to the Court. But, as such details are already on record and have been duly incorporated in the order of the learned Single Judge and we have also found it to be correct, we do not find any ground to interfere with the order and directions of the learned Single Judge. We do not find any ground equally to interfere with the on-going project of the laying of power transmission line in question, the major part of which is said to have already completed.

11. It is indeed unfortunate that the pendency of this litigation and other similar litigations in such cases unnecessarily interferes with the execution of such projects of public importance, even though there are no stay orders passed in such cases. Indirect costs are incurred by the public authorities in the form of escalation of costs by delay in projects etc., and the public at large are deprived of the benefit of such projects of public importance.

12. We, therefore, dismiss the present writ appeal, finding no merit in the same. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Secretary, Ministry of New and Renewable Energy, Block-14, CGO Complex, Lodhi Road, New Delhi - 110 003.
2. The Chair Person, Central Electricity Authority
Sewa Bhavan, R.K.Puram, Section-1, New Delhi - 110 066.



3. The Managing Director
Power Grid Corporation of India Ltd.,,
B-9, Qutab Institutional Area
Katwaria Sarai, New Delhi- 110 016.

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4. The District Collector, Coimbatore District, Coimbatore.
5. The District Collector, Tiruppur District, Tiruppur.
6. The District Collector, Erode District, Erode.
7. The District Collector, Namakkal District, Namakkal.
8. The District Collector, Salem District, Salem.
9. The District Collector, Dharmapuri District, Dharmapuri.
10. The District Collector, Villupuram District, Villupuram.
11. 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.

+1 cc to M/s.Aiyar and Dolia, Advocate, S.R.No.65362

+1 cc to Mr.M.Guruprasad, Advocate, S.R.No.64773

+1 cc to the Government Pleader, S.R.No.65040

W.A.No.2167 of 2019

PP(CO)
SSM(29/08/2019)