

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:06.11.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.29728 of 2019
and
W.M.P.No.29620 of 2019

D.Krishnamoorthy

.. Petitioner

/versus/

1.The Chief Engineer (Transmission),
TANGEDCO,
Tamil Nadu Electricity Board,
6th Floor, 144, Anna Salai,
Chennai 600 002.

2.The Junior Engineer(Transmission),
Power Grid Corporation of India Limited,
No.1, Pachaiappa Nagar,
T.V.Nallur, Ulundurpet,
Villupuram District 606 107.

3.The Revenue Divisional Officer,
Vridhachalam,
Cuddalore District.

4.The District Collector,
Cuddalore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from cutting the trees totaling to 101 live trees consisting of cashew nut numbering 62 trees, teak wood 25 trees, bamboo trees, Neem 2 trees, tamarind 5 trees comprised in Survey Nos.151/13B, 151/15 and 535/5A measuring about 0.82.00 Ares situated at Priyakappangkulam Village, Vridhachalam Taluk,Cuddalore District.

For Petitioner :Mr.P.Veeraraghavan

For Respondents:Mr.Jayesh & Dolia.B, for
M/s Aiyar and Dolia for R2
Mr.N.Inbanathan,
AGP for R3 & R4

O R D E R

This petition has been filed praying to issue a Writ of Mandamus forbearing the respondents from cutting the trees totaling to 101 live trees consisting of cashew nut numbering 62 trees, teak wood 25 trees, bamboo trees, Neem 2 trees, tamarind 5 trees comprised in Survey Nos.151/13B, 151/15 and 535/5A measuring about 0.82.00 Ares situated at Priyakappangkulam Village, Vridhachalam Taluk, Cuddalore District.

2.The petitioner herein owns a land in Periyakappangkulam Village, Vridhachalam Taluk, Cuddalore District. The Power Grid Corporation has proposed to lay towers and draw electrical line through his land. In the said process, fruit yield trees and teak wood trees are liable to be damaged. Hence, the petitioner has objected the proposal of the 2nd respondent drawing electrical line through his land and if it is inevitable, there must be proper and adequate compensation for the damages caused.

3. In this regard, the 2nd respondent has filed a counter stating that they are entrusted with the task of executing the scheme relating to Transmission System for evacuation of power from Neyveli Lignite Corporation Limited and for the said process, they are drawing transmission line connecting New Neyveli Thermal Power Station and Ariyalur. The proposed alignment of transmission line has been approved and they have obtained permission from the District Collector to enter upon the land of the petitioner for the said project. As far as the objection of the petitioner herein is concerned, it has been considered by the District Collector and thereafter, permission to enter upon the land of the petitioner was granted taking note of the importance of the object.

4.Further, the second respondent has stated in his counter that after assessment of damages, on completion of work, the compensation will be paid immediately to the petitioner and the damage of the trees will be assessed with the assistance of officials of Horticulture and Forest Department. The learned counsel appearing for the respondents also states that the work of erecting towers will be completed within a period of two months and thereafter, within 10 days, the damage will be assessed and the compensation will be paid to the petitioner.

5.In view of the above undertaking, the petitioner agrees to allow the 2nd respondent to enter upon the land for erecting towers.

6.In the light of the above undertaking given by the respondents, it is suffice to direct the 2nd respondent to complete their project, preferably, within a period of two

months from the date of receipt of a copy of this order. Immediately after the completion of the work, the compensation to be paid to the petitioner within a period of 10 days.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To:

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BS (CO)
SP(19/12/2019)