

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:11.11.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.29782 of 2019

R.Nallasamy

.. Petitioner

/versus/

1.The Chairperson,
The Central Electricity Authority,
Sewa Bhavan, R.K.Puram,
Section-1, New Delhi 110 066.

2.The District Collector,
Tiruppur District,
Tiruppur.

3.The Manager,
Power Grid Corporation of India Ltd.,
Coimbatore Trichy Main Road,
K.Paramathy Post,
Karur District, Karur.

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

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to take necessary action to pay full compensation as per his order Moo.Mu.No.7607/2019/E1 dated 07.9.2019.

For Petitioner :Mr.A.Rameshmanikandan
For Respondents :Mr.K.Ravikumar,AGP for R2

M/s Jayesh B.Dolia for
M/s Aiyar and Dolia for R3 & R4

ORDER

This writ petition has been filed praying to issue a Writ of Mandamus directing the 2nd respondent to take necessary action to pay full compensation, as per his order Moo.Mu.No.7607/2019/E1 dated 07.9.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the 2nd respondent and the learned counsel appearing for respondents 3 and 4.

3. The petitioner claiming to be a land owner in S.No.1097/4 being aggrieved by the erection of high tension power line in his land without proper permission and compensation, has approached this Court seeking Mandamus to consider his representation in accordance with law.

4. From the counter filed by respondents 3 and 4, this Court finds that the Power Grid Corporation, after obtaining due permission from the District Collector to enter upon the land of the petitioner has commenced the erection work and they are ready to pay the compensation for the damage caused, provided the petitioner submits the documents relevant to establish his title. The District Collector, who is the second respondent herein has also submitted that if the land owner submits relevant document like, bank account number, copy of the passbook, Adhar card and ownership details, the compensation amount will be deposited in the account of the landlord.

5. The representation of the petitioner claims that the permission to enter upon his land and order of removal of obstructions passed by the District Collector under Clause 16(1) of the Indian Telegraph Act, 1885 are illegal and contrary to law. Contrarily, in the counter, the respondent states that only after due consideration of the scheme and the material placed by the Power Grid Corporation, tower route was approved and the Collector permitted the corporation to enter upon the petitioner's land to erect the high tension tower line.

6. The vires of the order passed by the District Collector cannot be looked into at this stage, however, the petitioner/landlord is entitled for adequate and proper compensation, which the Power Grid Corporation is ready to pay the compensation for the damages, on production of the documents.

7.Hence, the petitioner is directed to produce the relevant documents to the District Collector/second respondent and receive the compensation. On production of the relevant documents, the 3rd respondent/Power Grid Corporation of India Ltd., is directed to deposit the money into the account of the petitioner/landlord within a period of two weeks.

8.With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

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+1cc to Government Pleader SR.NO. 94099

W.P.No.29782 of 2019

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