

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.27466, 6256 to 6260, 6631 to 6637, 6641, 6949 of 2017,
34227 of 2016, 5875 to 5877, 7572 & 7573, 7609 & 7610, 8529 of
2017, and 28808, 13170 to 13172, 21163, 31046 of 2018

and

WMP.Nos.29355 to 29357, 6291 to 6296, 6738 to 6747, 7123 to
7136, 7140, 7539 to 7541, 8251 to 8254, 8304 to 8307, 9315 & 9316
of 2017, 29546 of 2016, and 33668 & 33670, 15488 to 15491, 24840
& 24841, 36226 & 36227 of 2018

1. K.N.DEVARAJ
2. R.MUTHUSAMY GOUNDER
3. P.SOUNDARRAJ
4. K.K.DUR AISAMY
5. P.DEIVASIGAMANI
6. M.SUBRAMANIAM
7. M.M.PALANISAMY
8. S.KRISHNAVENI
9. N.RANGASAMY
10. C. NALLASAMY GOUNDER
11. M.ARUNACHALAM
12. C.SIDHEESWARAN
13. R.NACHIMUTHU
14. N.VENKATESAN
15. A.V.ARJUNAN ...PETITIONERS IN W.P.NO.27466 OF 2017
16. G.RAMASAMY ...PETITIONER IN W.P.NO.6256/17 AND 8529/17
17. P.ARAVINTH SRIRAM ...PETITIONER IN W.P.NO.6257 OF 2017
18. K.KANDASAMY GOUNDER ...PETITIONER IN W.P.NO.6258 OF 2017
19. P.CHIDAMBARAM ...PETITIONER IN W.P.NO.6259 OF 2017,
8529/17
20. M.SIVAGAMI ...PETITIONER IN W.P.NO.6260 OF 2017 ,
8529/17
21. A.MUTHUSAMY ... PETITIONER in WP No.6631 of 2017
22. K.P.MAYILSAMY ... PETITIONER in WP No.6632 of 2017
23. M.VADUGANATHAN ... PETITIONER in WP No.6633 of 2017
24. C.VALLI ... PETITIONER in WP No.6634 of 2017
25. M.SAMINATHAN ... PETITIONER in WP No.6635 of 2017
26. S.MANIASAMY ... PETITIONER in WP No.6636 of 2017
27. K.PALANISAMY GOUNDER ... PETITIONER in WP No.6637 of 2017
28. P.PARTHIBAN ... PETITIONER in WP No.6641, 8529 of
2017

29. S.VELUMANI ... PETITIONER in WP No.6949 of 2017
30. S.SELVARAJ ... PETITIONER IN W.P.NO.34227 OF 2016
31. S.EASWARAMOORTHY
GOUNDER ... PETITIONER in WP No.5875, 8529 of
2017
32. V.EASWARA PERIYASAMY ... PETITIONER in WP No.5876, 8529 of
2017
33. A.S.PALANISAMY ... PETITIONER in WP No.5877, 8529 of
2017
34. K.SELVARAJ ... PETITIONER in WP No.7572 of 2017
35. K.PALANISAMY ... PETITIONER in WP No.7573 of 2017
36. R.RAVICHANDRAN ... PETITIONER in WP No.7609/17 AND
8529 of 2017
37. R.JAYANTHI ... PETITIONER in WP No.7610 AND 8529
of 2017
38. R.SENTHILKUMAR
39. A.PONNUTHAI
40. K.VIJAYAKUMAR
41. K.GOVINDASAMY
42. K.MUTHUSAMY
43. V.KATHIRVEL ... PETITIONERS in WP No.8529 of 2017
44. R.UMA MAHESWARAN PETITIONER in WP No.28808 of 2018
45. KANNUSAMY
46. ESWARAMOORTHY
47. PONNUSAMY
48. JAGADEESH
49. RANGASAMY
50. MANI @ NALLATHAMBI
51. GETTIMUTHU ... PETITIONER in WP No.13170 of 2018
52. K.K.BALUSAMY PETITIONER in WP No.13171 of 2018
53. R.SURASHKUMAR ... PETITIONER in WP No.13172 of 2018
54. T.VELUMANI
55. M.KANDASAMY
56. CHENNIYAPPA GOUNDER
57. V.S.BALASUBRAMANIAM
58. T.VENKATACHALAM
59. T.R.VARANASI
60. SHANMUGAVADIVEL
61. P.VENKATARAMAN
62. RANGASAMY
63. N.SHANMUGHAM
64. S.SAKTHIVEL
65. R.SAKTHIVEL
66. A.KARUPANNAN ... PETITIONERS IN W.P.21163 OF 2018

67. M.SAMIYAPPA GOUNDER
68. S.DURAISAMY
69. P.S.PONNUSAMY
70. G.SHANTHA

... PETITIONERS IN W.P.31046 OF 2018

vs

1.THE DISTRICT COLLECTOR,
ERODE DISTRICT, ERODE.

2.TANTRANSCO,
REP. BY ITS CHAIRMAN,
10TH FLOOR, NPKRR MAALIGAI,
144, ANNA SALAI, CHENNAI-600 002.

3.THE SUPERINTENDENT ENGINEER,
GENERAL CONSTRUCTION CIRCLE,
TANTRANSCO,
DR.SUBBARAYAN ROAD,
TATABAD, COIMBATORE-12.

4.THE EXECUTIVE ENGINEER,
GENERAL CONSTRUCTION CIRCLE,
TANTRANSCO,
ELLAMEDU, INGUR,
PERUNDURAI TALUK, ERODE DISTRICT.

.. RESPONDENTS IN W.P.NO.27466 OF 2017

5 THE DISTRICT COLLECTOR,
ERODE DISTRICT, ERODE.

...1ST RESPONDENT IN W.P.27466/17,
6527/17, 6258/17, 34227/16,
7609, 7610/17, 28808/08,
13170 TO 13172/18, 21163/18

...9TH RESPONDENT IN W.P.8529/17

6 TANTRANSCO
REP. BY ITS CHAIRMAN
10TH FLOOR NPKRR MAALIGAI
144 ANNA SALAI
CHENNAI-600 002.

...2ND RESPONDENT IN
W.P.27466/17,5875/17 TO
5877/17, 8529/17,21163/18

7 THE SUPERINTENDENT ENGINEER
GENERAL CONSTRUCTION CIRCLE
TANTRANSCO
DR.SUBBARAYAN ROAD
TATABAD COIMBATORE 12

...2ND RESPONDENT IN WP NO.6256/17
TO 6260/17, 6631/17, 6632/17,
6636/17,
7609, 7610/17, 28808/18,
13170 TO 13172/18, 31046/18

...3RD RESPONDENT IN W.P.NO.27466/17,
6949/17, 34227/16, 5875/17
TO 5877/17, 21163/18

...4TH RESPONDENT IN W.P.7572, 7573 OF 2017

...5TH RESPONDENT IN 8529 OF 2017

8 THE EXECUTIVE ENGINEER
GENERAL CONSTRUCTION CIRCLE TANTRANSCO
ELLAMEDU INGUR
PEERUNDURAI TALUK
ERODE DISTRICT.

...3RD RESPONDENT IN W.P.NO.6256/17 TO
6260/17, 6631/17 TO 6637/17, 6641/17, 7609,
7610/17,28808/18, 13170 TO 13172/18,
31046/18

...4TH RESPONDENT IN W.P.27466/17, 34227/16,
5875 TO 5877/17, 21163/18

...5TH RESPONDENT IN W.P.7572, 7573 OF 2017

...7TH RESPONDENT IN W.P.8529 OF 2017

9. THE DISTRICT COLLECTOR,
TIRUPPUR DISTRICT, TIRUPPUR.

...1ST RESPONDENT in WP No.6256/17,6259/17,
6260/17,6631/17 TO 6637/17,
6641/17,
5875/17 TO 5877/17, 7572/, 7573/17, 31046/18

...2ND RESPONDENT IN W.P. NO.6949 OF 2017

...8TH RESPONDENT IN W.P.8529 OF 2017

- 10 THE SUPERINTENDENT ENGINEER
GENERAL CONSTRUCTION CIRCLE
TANTRANSCO
ATHUR BYPASS ROAD
UDAYAMPATTI SALEM.
....2ND RESPONDENT IN W.P.6633/17, 6634/17,
6635/17, 6641/17
...4TH RESPONDENT IN W.P.8529/17
- 11 THE CHAIRMAN
TANTRANSCO
10TH FLOOR NPKRR MAALIGAI
144 ANNA SALAI
CHENNAI-2.
...1ST RESPONDENT IN W.P.6949 OF 2017
...2ND RESPONDENT IN W.P.34227/16,
7572/17, 7573/17
- 12 THE SUPERINTENDENT ENGINEER
GENERAL CONSTRUCTION CIRCLE
TANTRANSCO
PERUNDURAI, ERODE.
...4TH RESPONDENT IN W.P.6949/17
- 13 THE SUPERINTENDING ENGINEER
TOWER LINE CONSTRUCTION
TAMILNADU TRANSMISSION CORPORATION LTD.
ELLAIMEDU
PERUNDURAI
ERODE DISTRICT.
...5TH RESPONDENT IN W.P.6949/17
- 14 THE ASSISTANT EXECUTIVE
ENGINEER TANTRANSCO TLC WING
ERODE-9. ...5TH RESPONDENT IN W.P.34227/16
- 15 THE SUPERINTENDING ENGINEER
TIRUPUR ELECTRICITY DISTRIBUTION CIRCLE
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LTD. PERUMANALLUR ROAD
TIRUPUR.
...3RD RESPONDENT IN W.P.7572, 7573 OF 2017

16 THE STATE OF TAMIL NADU
REP BY THE PRINCIPAL SECRETARY
ENERGY DEPARTMENT
FORT ST GEORGE
CHENNAI-09.

...1ST RESPONDENT IN W.P.NO.8529 OF 2017

17 THE DIRECTOR
(TRANSMISSION PROJECTS)
TANTRANSCO
10TH FLOOR NPKRR MAALIGAI
144 ANNA SALAI
CHENNAI-02.

...3RD RESPONDENT IN W.P.8529 OF 2017

18 THE EXECUTIVE ENGINEER GCC
TANTRANSCO
GENERAL CONSTRUCTION CIRCLE
KAMARAJ NAGAR COLONY
AATHUR BYPASS ROAD
SALEM, SALEM DISTRICT-14.

...6TH RESPONDENT IN W.P.8529 OF 2017

19 THE DISTRICT COLLECTOR,
SALEM DISTRICT,
SALEM.

...10TH RESPONDENT IN W.P.8529 OF 2017

Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus

i) to call for the records of the impugned order dated 05.10.2017 in Pa.Mu.No:16404/2017/K4 of the 1st respondent and quash the same and consequently forbearing the respondents from proceeding with the implementation of the project in the lands of the petitioners without acquiring the right of user on the lands of the petitioners mentioned in the impugned order dated 05.10.2017 in Pa.Mu.No:16404/2017/K4. (W.P.No.27466 of 2017)

ii) to call for the records of the impugned order dated 13.02.2017 in Na.Ka.No.12041/2016/U4 of the 1st respondent and quash the same, and consequently forbear the respondents 3 & 4 from taking steps to erect the HT Tower & Lines over the petitioners Lands measuring Acres 6, bearing S.F.Nos: 34/1, 34/2, 34/3, 34/5, 34/6 & 34/7 of Kanakkampalayam Village, Tiruppur North Taluk, Tiruppur District, till the strict compliance of the procedure established under sections 10 and

16(1) of the Indian Telegraph Act. 1885 read with section 68(1) of the Indian Electricity Act 2003.(WP No.6256 of 2017)

iii)to call for the records of the impugned order dated 23.02.2017 in Na.Ka.No.27016/2016/K4 of the 1st respondent and quash the same, and consequently forbear the respondents 3 & 4 from taking steps to erect the HT Tower & Lines over the petitioners Lands measuring Acres 7.30Cents, bearing S.F.Nos: 237 of Ayyampalayam Village, Perunthurai Taluk, Erode District, till the strict compliance of the procedure established under sections 10 and 16(1) of the Indian Telegraph Act. 1885 read with section 68(1) of the Indian Electricity Act 2003. (WP No.6257 of 2017)

iv)to call for the records of the impugned order dated 23.02.2017 in Na.Ka.No.27016/2016/K4 of the 1st respondent and quash the same, and consequently forbear the respondents 3 & 4 from taking steps to erect the HT Tower & Lines over the petitioners Lands measuring Acres 6.18 Cents, bearing S.F.Nos: 238/2, 239/3, 246/3 & 246/5 of Puthupalayam Village, Perunthurai Taluk, Erode District, till the strict compliance of the procedure established under sections 10 and 16(1) of the Indian Telegraph Act. 1885 read with section 68(1) of the Indian Electricity Act 2003. (WP No.6258 of 2017:)

v)to call for the records of the impugned order dated 21.02.2017 in Na.Ka.No.6233/2016/U4 of the 1st respondent and quash the same, and consequently forbear the respondents 2 & 3 from taking steps to erect the HT Tower & Lines over the petitioners Lands measuring Acres 2.10cents, bearing S.F.Nos: 139/2A & 140/2 of Pongupalayam village, Tiruppur North Taluk, Tiruppur District, till the strict compliance of the procedure established under sections 10 and 16(1) of the Indian Telegraph Act. 1885 read with section 68(1) of the Indian Electricity Act 2003. (WP No.6259 of 2017)

vi)to call for the records of the impugned order dated 21.02.2017 in Na.Ka.No.13187/2016/U4 of the 1st respondent and quash the same, and consequently forbear the respondents 3 & 4 from taking steps to erect the HT Tower & Lines over the petitioners Lands measuring Acres 1, bearing S.F.Nos: 166/1, 165/2, & 167/1 of Pongupalayam village, Tiruppur North Taluk, Tiruppur District, till the strict compliance of the procedure established under sections 10 and 16(1) of the Indian Telegraph Act. 1885 read with section 68(1) of the Indian Electricity Act 2003 (WP No.6260 of 2017)

vii)to call for the records of the impugned order dt 21.2.2017 in Na. Ka. No. 13187/2016/U4 of the 1st respondent and quash the same, and consequently restrain the respondents 2 and 3 from taking steps to erect the HT Tower and Lines over the petitioners lands measuring Acres 9.99 cents, bearing S.F. No. 32/1 of Kanakkampalayam Village, Tiruppur North Taluk, Tiruppur District, till the strict compliance of the procedure established under Sections 10 and 16 (1) of the Indian Telegraph Act, 1885 read with Section 68 (1) of the Indian Electricity Act, 2003.(WP No.6631 of 2017)

viii)to call for the records of the impugned order dt 4.10.2016 in Na. Ka. No. 6233/2016/U4 of the 1st respondent and quash the same, and consequently restrain the respondents 2 and 3 from taking steps to erect the HT Tower and Lines over the petitioners lands measuring Acres 4.10 cents, bearing S.F. Nos.113/2, 114/1A1, 115/2A and 118/2 of Pongupalayam Village, Tiruppur North Taluk, Tiruppur District, till the strict compliance of the procedure established under Sections 10 and 16 (1) of the Indian Telegraph Act, 1885 read with Section 68 (1) of the Indian Electricity Act, 2003.(WP No.6632 of 2017)

ix)to call for the records of the impugned order dt 8.2.2016 in Na. Ka. No. 15451/2014/U4 of the 1st respondent and quash the same, and consequently restrain the respondents 2 and 3 from taking steps to erect the HT Tower and Lines over the petitioners lands measuring Acres 30, bearing S.F. Nos.271/2B, 283 and 272 of Sooriyanallur Village, Dharapuram Taluk, Tiruppur District, till the strict compliance of the procedure established under Sections 10 and 16 (1) of the Indian Telegraph Act, 1885 read with Section 68 (1) of the Indian Electricity Act, 2003.(WP No.6633 of 2017)

x)to call for the records of the impugned order dt 8.2.2016 in Na. Ka. No. 15451/2014/U4 of the 1st respondent and quash the same, and consequently restrain the respondents 2 and 3 from taking steps to erect the HT Tower and Lines over the petitioners lands measuring Acres 2.10 cents, bearing S.F. No.232/6 of Sooriyanallur Village, Dharapuram Taluk, Tiruppur District, till the strict compliance of the procedure established under Sections 10 and 16 (1) of the Indian Telegraph Act, 1885 read with Section 68 (1) of the Indian Electricity Act, 2003(WP No.6634 of 2017:)

xi)to call for the records of the impugned order dt 8.2.2016 in Na. Ka. No. 15451/2014/U4 of the 1st respondent and quash the same, and consequently restrain the respondents 2 and 3 from taking steps to erect the HT Tower and Lines over the petitioners lands measuring Acres 10, bearing S.F. Nos.283 and 284/2 of Sooriyanallur Village, Dharapuram Taluk, Tiruppur District, till the strict compliance of the procedure established under Sections 10 and 16 (1) of the Indian Telegraph Act, 1885 read with Section 68 (1) of the Indian Electricity Act, 2003(WP No.6635 of 2017)

xii)to call for the records of the impugned order dt 21.2.2017 in Na. Ka. No.6233/2016/U4 of the 1st respondent and quash the same, and consequently restrain the respondents 2 and 3 from taking steps to erect the HT Tower and Lines over the petitioners lands measuring Acre 1.40 cents, bearing S.F. Nos.254/2 and 255/3 of Perumanallur Village, Avinashi taluk, Tiruppur District, till the strict compliance of the procedure established under Sections 10 and 16 (1) of the Indian Telegraph Act, 1885 read with Section 68 (1) of the Indian Electricity Act, 2003.(WP No.6636 of 2017)

xiii)to call for the records of the impugned order dt 21.2.2017 in Na. Ka. No. 6233/2016/U4 of the 1st respondent and quash the same, and consequently restrain the respondents 2 and 3 from taking steps to erect the HT Tower and Lines over the petitioners lands measuring Acres 4.84 cents, bearing S.F. No. 152/2 of Pongupalayam Village, Tiruppur North Taluk, Tiruppur District, till the strict compliance of the procedure established under Sections 10 and 16 (1) of the Indian Telegraph Act, 1885 read with Section 68 (1) of the Indian Electricity Act, 2003.(WP No.6637 of 2017)

xiv)directing the respondents to remove the illegal tower lines wires drawn by the 2nd & 3rd respondents, across the Petitioners Lands Measurements Acres 4, Bearing S.F.Nos. 241 & 247 of Sooriyanallur Village, Dharapuram taluk, Tiruppur District. (WP No.6641 of 2017:)

xv)call 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.(WP No.6949 of 2017)

xvi)Calling for the records pertaining to the impugned order made in Na. Ka. No. 15546/ 2016/ K4 dated 14.09.2016 passed by the 1st respondent quash the same consequently forbear the

respondents 3 to 5 from taking steps to erect Tower lines over petitioner lands bearing R.S. No. 60/1 Puthur Pudupalayam Village Erode Taluk Erode District till the strict compliance of the procedure established under Sections 10 and 16 (1) of the Indian Telegraph Act 1885 r/w Sections 67 and 68 of the Indian Electricity Act 2003.(W.P.No.34227 of 2016)

xvii)to call for the records of the impugned order dated 21.2.2017 in Na.Ka. No.13187/ 2016/U4 of the 1st respondent and quash the same and consequently forbear the respondents 3 and 4 from taking steps to erect the HT Tower & Lines over the petitioner lands measuring Acres 10, bearing S.F.No.199/1 of Kanakkampalayam Village, Tiruppur North Taluk, Tiruppur District, till the strict compliance of the procedure established under Sections 10 and 16(1) of the Indian Telegraph Act 1885 read with Section 68(1) of the Indian Electricity Act, 2003.(WP No.5875 of 2017:)

xviii)To call for the records of the impugned order dated 21.2.2017 in Na.Ka. No.6233/ 2016/U4 of the 1st respondent and quash the same and consequently forbear the respondents 3 and 4 from taking steps to erect the HT Tower & Lines over the petitioner lands measuring Acres 23, bearing S.F.No.290 & 291 of Chettipalayam Village, Tiruppur North Taluk, Tiruppur District, till the strict compliance of the procedure established under Sections 10 and 16(1) of the Indian Telegraph Act 1885 read with Section 68(1) of the Indian Electricity Act, 2003.(WP No.5876 of 2017:)

(xix)To call for the records of the impugned order dated 21.2.2017 in Na.Ka. No.6233/ 2016/U4 of the 1st respondent and quash the same and consequently forbear the respondents 3 and 4 from taking steps to erect the HT Tower & Lines over the petitioner lands measuring Acres 4, bearing S.F.No.227/3A of Kanakkampalayam Village, Tiruppur North Taluk, Tiruppur District and S.F.No.258/2 & 259/2 of Perumanallur village, Avinashi Taluk, Tiruppur District, till the strict compliance of the procedure established under Sections 10 and 16(1) of the Indian Telegraph Act 1885 read with Section 68(1) of the Indian Electricity Act, 2003.(WP No.5877 of 2017)

xx)calling for the records of the 1st respondents impugned letter in Na.Ka.No. 10428/ 2016 U4 dated 21.02.2017 quash the same as illegal arbitrary and without authority of law and consequently forbearing the 3rd and 4th respondents their men officers representatives from in any manner erecting 230KVAHT Line in the petitioners agricultural land bearing S.F.No. 298/3 & 299 Chettiampalayam Village or draw high Voltage electrical

lines over them without following the provisions of the Electricity Act 2003 and the Indian Telegraphic Act 1885. (W.P.NO.7572 OF 2017)

(xxi)calling for the records of the 1st respondents impugned letter in Na.Ka.No. 10428/ 2016 U4 dated 21.02.2017 quash the same as illegal arbitrary and without authority of law and consequently forbearing the 3rd and 4th respondents their men officers representatives from in any manner erecting 230KVA HT Line in the petitioners agricultural land bearing S.F.No. 300/1 & 300/6 Chettiyampalayam Village or draw high Voltage electrical lines over them without following the provisions of the Electricity Act 2003 and the Indian Telegraphic Act 1885. (W.P.NO.7573 OF 2017)

xxii)to call for the records of the Impugned order dt 16.3.2017 in Na. Ka. No.26667/2016/K4 of the 1st respondent and quash the same and consequently forbear the respondents 2 and 3 from taking steps to erect the HT Tower and Lines over the petitioners Lands bearing S.F. No. 686/8 of Periyapuliyur Village Perunthurai Taluk Erode District till the strict compliance of the procedure established under Sections 10 and 16 (1) of the Indian Telegraph Act 1885 read with Section 68 (1) of the Indian Electricity Act 2003. (W.P.NO.7609 OF 2017)

xxiii)to call for the records of the Impugned order dt 16.3.2017 in Na. Ka. No.26667/2016/K4 of the 1st respondent and quash the same and consequently forbear the respondents 2 and 3 from taking steps to erect the HT Tower and Lines over the petitioners Lands bearing S.F. No. 694/2 and 694/4 of Periyapuliyur Village Perunthurai Taluk Erode District till the strict compliance of the procedure established under Sections 10 and 16 (1) of the Indian Telegraph Act 1885 read with Section 68 (1) of the Indian Electricity Act 2003. (W.P.NO.7610 OF 2017)

xxiv)Calling for the records pertaining to the order passed by the 1st respondent herein in G.O.Ms. No.74 Energy (A1) Department dated 26.11.2015 and quash the same insofar as the Sl.No.2 Sl.No.19C and Sl.No.19G of the Annexure are concerned. (W.P.NO.8529 OF 2017)

xxv)to call for the records of the impugned order dated 3.10.2018 in Na.Ka.No.16013/2016/C1 of the 1st Respondent and quash the same and consequently forbearing the Respondents from proceedings with the Implementation of the project in the Lands of the petitioners without acquiring the Right of user on the

lands of the petitioners mentioned in the Impugned order dated 3.10.2018 in Na.Ka.No.16013/2016/C1.(W.P No.28808 of 2018)

xxvi)call for the records of the impugned order dated 07.05.2018 in Na.Ka.No. 4345/ 2018/ K4 of the 1st respondent and quash the same and consequently forbear the respondents 2 & 3 from taking steps to erect the HT Tower & Lines over the petitioners lands bearing S.F. Nos: 748 765 768 769 840 & 844 of Thenmugham Vellode \"AA\" village Perunthurai Taluk Erode District without acquiring the \"Right of way \" of the petitioners right under Article 300A of the constitution of india by following the procedure established by law i.e. the strict compliance of the procedure established under section 68 (1) of the indian electricity act 2003.(W.P.NO.13170 OF 2018)

xxvii)Call for the records of the impugned order dated 19.03.2018 in Na.Ka.No. 262/2017/ K4 of the 1st respondent and quash the same and consequently forbear the respondents 2 & 3 from taking steps to erect the HT Tower & Lines over the petitioners lands in S.F. No: 84/2 of Thottani Village Erode Taluk Erode District without acquiring the \"Right of way \" of the petitioners right under Article 300A of the constitution of india by following the procedure established by law i.e. the strict compliance of the procedure established under section 68 (1) of the Indian Electricity Act 2003.(W.P.NO.13171 OF 2018)

xxviii)call for the records of the impugned order dated 23.02.2018 in Na.Ka.No. 27259/ 2017/ K4 of the 1st respondent and quash the same and consequently forbear the respondents 2 & 3 from taking steps to erect the HT Tower & Lines over the petitioners lands bearing S.F. Nos: 366/1 & 367/1 of Ingur Village sengulam Perunthurai Taluk Erode District without acquiring the \"Right of way \" of the petitioners right under Article 300A of the constitution of india by following the procedure established by law i.e. the strict compliance of the procedure established under section 68(1) of the indian electricity act 2003.(W.P.NO.13172 of 2018)

xxix)To call for the Records of the Impugned order dated 06.08.2018 in Na.Ka.No.7517/2018 / K4 of the 1st Respondent and quash the same and consequently forbearing the Respondents from proceedings with the Implementation of the Project in the Lands of the Petitioners without acquiring the Right of User on the Lands of the petitioners mentioned in the Impugned order dated 06.08.2018 in Na.Ka.No.7517/2018/K4.(W.P.NO.21163 OF 2018)

xxx)To call for the records of the proceedings of the 1st respondent in Na.Ka.No. 4914/ 2017/ C1 dated 05.10.2018 and quash the same and consequently directing the respondents to adopt implement and adhere with the Provisions of Section 68 of the Electricity Act 2003. (W.P.NO.31046 OF 2018)

For Petitioner :Mr.N.Manoharan in W.P.No.34227/16
:Mr.R.Ezhilarasan in W.P.No.6949/17
Mr.Abrar Md.Abdullah in W.P.No.7572
and 7573 of 2017
Mr.V.Lakshmi Narayanan
for M/s. Va Vu Si Vazhakagam
in all other Wps

For Respondents : Mrs.R.Janaki
Additional Government Pleader
for Tamil Nadu Government
Mr.Abdul Saleem for TANGEDCO

COMMON ORDER

The impugned order granting permission to the licensee to erect the High Tension Electricity Power lines is under challenge in the present writ petitions.

2. The grievances of the writ petitioners are that no proper adjudications/enquiry was conducted before entering into the land by the licensee for the purpose of erecting the High Tension Electricity Towers. The full compensation contemplated under the provisions of the Electric Act has not been complied with. Without even paying the full compensation and without proper adjudication, the Authorities are attempting to erect High Tension Electricity Tower in the agricultural lands belongs to the writ petitioners. Thus, the writ petitioners are constrained to move these writ petitions.

3. The learned counsels appearing on behalf of the writ petitioners reiterated that, the Indian Telegraph Act contemplates power for telegraph Authority to place the telegraph lines and poles. Section 10(d) stipulates "in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers."

4. Section 16 denotes "exercise of powers conferred by Section 10 and disputes as to compensation, in case of property other than that of a local authority". The learned counsel appearing on behalf of the writ petitioners contend that the respondents are not following the provisions of the Act and interfering with the property right of the writ petitioners and erecting High Tension Electricity Towers even without paying the full compensation.

5. The learned counsel for the writ petitioners admits the powers conferred on the Authorities to erect such High Tension Electricity Towers. However, such erections ought to be done by following the procedures contemplated under the statutes and the rules in force. In view of the violations being committed by these officials, the writ petitioners are forced to approach this Hon'ble Court by way of these writ petitions.

6. The learned counsel appearing on behalf of the respondent opposed the contentions by stating that the respondents are following the procedures, in the event of no objection or consent by the owners of the land, the respondents are settling the full compensation without any delay. Only in case of objection, the enquiry is to be conducted by the District Magistrate/District Collector for the purpose of granting permission to the licensee to enter into the land belongs to the owners. Thus, it is made clear that, in the event of no objection by the land owners, the full compensation is to be paid without any delay and in any case even before the commencement of the erection works.

7. It is further made clear that Sec 16, Sub clause 3 contemplates, "if any dispute arises concerning the sufficiency of the compensation to be paid under Section 10 (d) it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction is the property is situate be determined by them".

8. Thus there is an opportunity to the aggrieved persons to approach the District Judge concerned for the purpose of fixing the just compensation with reference to the damage or loss caused to the land owners. In the event of an inadequate compensation if any paid by the licensee of the land owners, the licensee is at liberty to approach the District Judge concerned for the purpose of enhancement of compensation or for the purpose of fixation of just compensation by way of an adjudication. When such provisions are available under the statute enabling the land owners to get fair and just compensation, this Court is of an opinion that the apprehensions

raised on behalf of the writ petitioners deserves no consideration. However, it is made clear that, in the event of no objection by the land owners, the full compensation is to be settled by the licensee without causing any undue delay.

9. The Hon'ble Supreme Court of India reiterated the said provisions in the case of Power Grid Corporation of India Limited Vs. Century Textiles and Industries Limited and Others reported in (2017) 5 SCC 143 and the relevant paragraphs No.23, 24 and 27 are extracted hereunder:-

" 23. Section 10 of the Telegraph Act, 1885 empowers the telegraph authority to place and maintain a telegraph line under, over, along or across and posts in or upon any immovable property. The provision of Section 10(b) of the Telegraph Act, 1885 makes it abundantly clear that while acquiring the power to lay down telegraph lines, the Central Government does not acquire any right other than that of user in the property. Further, Section 10(d) of the Telegraph Act, 1885 obliges the telegraph authority to ensure that it causes as little damage as possible and that the telegraph authority shall also be obliged to pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.

24. As Power Grid is given the powers of telegraph authority, Rule 3(1) of the 2006 Rules ceases to apply in the case of Power Grid by virtue of execution clause contained in sub-rule (4) of Rule 3 which reads as under:

"3. (4) Nothing contained in this rule shall effect the powers conferred upon any licensee under Section 164 of the Act."

27. At this stage, we deal with the direction of the Division Bench regarding compensation payable to the writ petitioner, or for that matter to the State Government. In the first instance, no such claim was laid by the writ petitioner in the writ petition or by the State Government before the High Court. Furthermore, the High Court could not have given this task to the District Collector, which is contrary to the provisions of Section 16(c) of the Telegraph Act, 1885 which are extended to laying down of electricity lines. As per this provision, such an authority vests with the District Judge."

10. This Court in earlier occasions considered the similar issues in WP.No.30124 of 2018 and delivered the judgment on 07.12.2018, wherein, this Court considered the provisions of the Electricity Act, 2003 and Indian Telegraph Act, 1885 and the

relevant paragraphs are extracted hereunder:-

" 35. Thus, this Court is of the considered opinion that Article 300 A of the Constitution of India enumerates that ? No person shall be deprived of his property save by authority of law?. Thus, property right is a Constitutional right. Undoubtedly, a citizen of India has got a property right under the Constitution though it is not a fundamental right. The property right is no more a fundamental right. Thus, no person shall be deprived of his property save by authority of law. In order to countenance the Constitutional right of the citizen of this great nation, the respondents are bound to establish that they are implementing the Project for the welfare of the public under the authority of law.

36. In this regard it is to be noted that the Sections 68 and 164 of the Electricity Act, 2003 confers power to the Appropriate Government to erect Overhead lines for the transmission of electricity or for the purpose of telephonic and telegraphic communications. Section 164 of the Electricity Act, 2003 categorically enumerates that the Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885, any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained. Thus, the said provisions empowers the Appropriate Government to grant permission.

37. In the present case, the second respondent is an organization of the Government of India. Ministry of power also approved the Project. The Project is for the larger interest of the public of our great nation. The transmission lines are planned to be erected from Raigarh of Chattisgarh to Pugalur, State of Tamil Nadu. The transmission lines are crossing through five major States across the

country. Even in Tamil Nadu the transmission lines are being laid for the distance of about 345 km. This being the nature of the project, this Court is of an opinion that the writ petitioners have no say to obstruct the project, which is being implemented in the larger interest and for the development of our great nation. Consistent developmental activities of a welfare State is also a Constitutional Directive. Thus, the State is bound to implement the Welfare Schemes for the development of our great nation. Infrastructure facilities and all other developmental and technical activities are to be consistently improved in order to compete with all other countries across the globe. India, being a fast growing nation, cannot afford to suffer implementation of all such larger Welfare Schemes. The Welfare Schemes are once approved and if the schemes does not suffer from any Unconstitutionality or illegality, the Courts must be cautious in granting even any interim orders so as to cause an irreparable loss to the public interest as well as to the State exchequer. In the event of granting interim order or keeping the matter pending for an unspecified period or any postponement of all such Welfare Projects would further cause financial loss to the tax payers money. Delay in implementation of the projects would result in escalation in cost and such escalation would affect the interest of the tax payers money. Thus, all such schemes, if tested, must be considered at the earliest possible and if there is no prima facie case made out by the writ petitioners, the grant of interim order also to be restrained so as to ensure the public projects are not stalled on account of the personal ideologies of any person. However, citizens may have their own ideas and views. No doubt, the ideas and views of individuals are also to be respected. However, the larger interest of the public alone must prevail over the individual ideas. Overlooking the opinion of the committee of the Experts can never be considered at all. The Courts are bound to consider the grievances of each and every citizen of this great nation. While considering the grievances of such citizen, there cannot be any compromise in respect of larger public interest as far as the implementation of the larger Welfare Schemes are considered. Thus, a balancing approach is to be adopted and principles of pragmatism are to be followed.

38. In the present Writ Petition, undoubtedly, transmission towers are being laid/proposed to be laid in the agricultural lands belonging to the writ petitioners. The Statute provides payment of compensation to the damage or loss if any caused. The quantum for compensation was arrived by the competent authority. If at all, the writ petitioners are aggrieved in respect of fixing of compensation, for the loss or damage, the petitioners are at liberty to approach the District Judge concerned for claiming compensation or enhancement or otherwise. Contrarily, the writ petitioners cannot obstruct the implementation of the scheme by stating that no consent has been obtained from them and such a consent is required under the law and it is an acquisition proceedings and the second respondent is the user of the land and transmission towers are commissioned without acquiring the land. Considering the nature of the scheme under implementation, this Court is of an opinion, with reference to the provisions of the Electricity Act, 2003 and the Indian Telegraph Act, 1885, that authorities competent are empowered to commission the transmission towers in the lands belonging to the writ petitioners and, if at all, the writ petitioners are aggrieved in any aspect, they are at liberty to approach the learned District Judge concerned for redressing their grievances in respect of claiming compensation alone. However, the project cannot be questioned by the writ petitioners on the ground that the project details are not furnished to them. For the purpose of commissioning the transmission towers, furnishing of entire projects details to the farmers are unnecessary and not contemplated under the Statutes. No purpose would be served even those documents are served on the writ petitioners. The writ petitioners have no locus standi to object the welfare schemes being implemented for the welfare of the citizen at large. Thus, the writ petitioners, even if not furnished with the documents, are not prejudiced as the scheme being implemented by virtue of the authority conferred under the provisions of the Statutes referred supra.

39. It is brought to the notice of this Court that the writ petitioners along with some other persons had indulged in filing number of cases before the Courts with an idea to stall the entire project. It is contended that Crl.O.P.No.28520 of 2018 was

filed to forbear them from giving police protection in any manner aiding the Officials of the Power Grid Corporation Limited & the Revenue Officials in implementing the 800 KV Raigarh (HVDC Stn) - Pugalur HVDC Stn) HVDC Bipole link with MW capacity?, unless those Officials obtain enter~upon permission under the provisions of the Indian Telegraph Act, 1885 or Works of Lincensees Rules, 2006?. The said Crl.O.P was dismissed by this Court. This apart, even on earlier occasion, the petitioners filed writ petitions for a direction to dispose of the representation and the present writ petition is also challenging the order passed by the District Collector in proceeding dated 27.10.2018 for removal of the obstruction. Citing all these cases, the learned senior counsel appeared on behalf of the second respondent submitted that the writ petitioners are frequently filing petitions after petitions before one Court or before the other Court to achieve their ill motives. Thus, the petitioners are in the habit of filing cases before various Courts and attempting to stall the national level project of installing transmission towers from Raigarh, Chattisgarh to Pugalur, State of Tamil Nadu. The conduct of the petitioners in filing several cases for the purpose of causing an obstruction are to be deprecated and such conduct can never be encouraged by the Courts.

40. In respect of the order impugned passed by the District Collector, this Court is of the opinion that the District Collector had given an opportunity to the writ petitioners to submit their objections. However, as discussed in the aforementioned paragraphs, the District Collector is not an authority to modify the Route or to change the place. The Collector is empowered to remove the obstructions, if any, caused for the purpose of implementation of the Scheme of erecting transmission towers. Thus, the Authority of the Collector in this regard is restricted and shall be exercised only with reference to the provisions of the Electricity Act, 2003 and Indian Telegraph Act, 1885. Thus, the Collector has proceeded in accordance with the provisions of the above Acts. Though, the Collector has provided an opportunity, the same has not been fully utilised by the writ petitioners by providing their statements. Contrarily, the petitioners appeared and refused to record their statements. This being the conduct of the writ petitioners, this Court

is unable to accept the contention that the prior permission was needed from the writ petitioners and the opportunity also had not been given to the writ petitioners to put forth their grievances. When opportunity was provided in accordance with the provisions and the powers of the Collector under the Acts are certainly limited, the Collector cannot change the Scheme or modify the route already approved by the appropriate Government. The only course left open for the writ petitioners are to claim damages or just compensation manner by approaching the concerned District Judge by filing appropriate petitions under the provisions of the Act. This being the scope of the litigation before this Court, the writ petitioners have not established any acceptable grounds for the purpose of considering the relief as such sought for in the present Writ Petition."

11. In view of the legal principles adjudicated in the cases cited supra, this Court is of an opinion that the public welfare projects must be allowed to be implemented in its spirit. However, the Competent Authorities are bound to follow the procedures contemplated in the statutes and settle the full compensation to the persons who all are affected on account of the implementation of such projects.

12. Electricity being an essential one for all the citizens of our great Nation, the National level projects for transmission of electricity is unavoidable and which all are necessary for the purpose of providing infrastructures and for developmental activities across the Country. Thus, stalling of the entire project of erecting High Tension Electricity Towers in the localities are not desirable. However, the Authorities Competent must follow the procedure of assessing the less damage to the owners of the agricultural land. While preparing the project report, the experts are also to keep in mind that the project must be prepared by causing lesser damage to the agriculturists, who all are affected on account of such erection of High Tension Electricity Towers in their respective agricultural land.

13. This Court is of an opinion that the project of erecting High Tension Electricity Towers are carried out for the purpose of providing electricity to various villages and for the other developmental activities and for industrial developments. Thus, stalling the project will affect the developmental activities of our great Nation. Under these circumstances, the respondents are directed to settle full compensation in the event of no

objection from the land owners and if there is an objections, then the Collector has to conduct an enquiry and pass orders. Once the permission is granted by the District Collector concerned, then the licensee is empowered to erect the High Tension Electricity Towers in accordance with the project.

14. In any event payment of the compensation to the affected person cannot be delayed as the same is mandatory under the provisions of the Electricity Act. Even in case of objections, and an order is passed by the District Collector, the admissible compensation shall be settled in favour of the land owners immediately and if any dispute arising on account of the payment of compensation, the aggrieved person is at liberty to approach the District Judge concerned for the purpose of ascertaining the just compensation in accordance with law.

15. With these observations, all these writ petitions stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. THE DISTRICT COLLECTOR,
ERODE DISTRICT, ERODE.
2. THE CHAIRMAN
TANTRANSCO,
10TH FLOOR, NPKRR MAALIGAI,
144, ANNA SALAI, CHENNAI-600 002.
3. THE SUPERINTENDENT ENGINEER,
GENERAL CONSTRUCTION CIRCLE,
TANTRANSCO,
DR. SUBBARAYAN ROAD,
TATABAD, COIMBATORE-12.
4. THE EXECUTIVE ENGINEER,
GENERAL CONSTRUCTION CIRCLE,
TANTRANSCO,
ELLAMEDU, INGUR,
PERUNDURAI TALUK, ERODE DISTRICT.

- 5 THE DISTRICT COLLECTOR,
ERODE DISTRICT, ERODE.
- 6 TANTRANSCO
REP. BY ITS CHAIRMAN
10TH FLOOR NPKRR MAALIGAI
144 ANNA SALAI
CHENNAI-600 002.
- 7 THE SUPERINTENDENT ENGINEER
GENERAL CONSTRUCTION CIRCLE
TANTRANSCO
DR.SUBBARAYAN ROAD
TATABAD COIMBATORE 12
- 8 THE EXECUTIVE ENGINEER
GENERAL CONSTRUCTION CIRCLE TANTRANSCO
ELLAMEDU INGUR
PEERUNDURAI TALUK
ERODE DISTRICT.
9. THE DISTRICT COLLECTOR,
TIRUPPUR DISTRICT, TIRUPPUR.
- 10 THE SUPERINTENDENT ENGINEER
GENERAL CONSTRUCTION CIRCLE
TANTRANSCO
ATHUR BYPASS ROAD
UDAYAMPATTI SALEM.
- 11 THE CHAIRMAN
TANTRANSCO
10TH FLOOR NPKRR MAALIGAI
144 ANNA SALAI
CHENNAI-2.
- 12 THE SUPERINTENDENT ENGINEER
GENERAL CONSTRUCTION CIRCLE
TANTRANSCO
PERUNDURAI, ERODE.
- 13 THE SUPERINTENDING ENGINEER
TOWER LINE CONSTRUCTION
TAMILNADU TRANSMISSION CORPORATION LTD.
ELLAIMEDU
PERUNDURAI
ERODE DISTRICT.

- 14 THE ASSISTANT EXECUTIVE
ENGINEER TANTRANSCO TLC WING
ERODE-9.
- 15 THE SUPERINTENDING ENGINEER
TIRUPUR ELECTRICITY DISTRIBUTION CIRCLE
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LTD. PERUMANALLUR ROAD
TIRUPUR.
- 16 THE STATE OF TAMIL NADU
REP BY THE PRINCIPAL SECRETARY
ENERGY DEPARTMENT
FORT ST GEORGE
CHENNAI-09.
- 17 THE DIRECTOR
(TRANSMISSION PROJECTS)
TANTRANSCO
10TH FLOOR NPKRR MAALIGAI
144 ANNA SALAI
CHENNAI-02.
- 18 THE EXECUTIVE ENGINEER GCC
TANTRANSCO
GENERAL CONSTRUCTION CIRCLE
KAMARAJ NAGAR COLONY
AATHUR BYPASS ROAD
SALEM, SALEM DISTRICT-14.
- 19 THE DISTRICT COLLECTOR,
SALEM DISTRICT,
SALEM.

+40ccs to Va Vu Se Vazhakagam, Advocate Sr.8733
+3cc to Mr.Abdul Saleem, Advocate Sr.8408,8409,8388
+1cc to Mr.N.Manokaran, Advocate Sr.7919

W.P.Nos.27466, 6256 to 6260, 6631 to 6637, 6641, 6949 of 2017,
34227 of 2016,5875 to 5877,7572 & 7573, 7609 & 7610, 8529 of
2017, and 28808, 13170 to 13172, 21163, 31046 of 2018

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srg 05/03/2019