



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.5393 Of 2019

and

W.M.P.No.4286 of 2019

Chinnasamy

Vs

... Petitioner

1. The Chairman,
TANTRANSCO,
NPKRP Maligai,
144, Anna Salai,
Chennai.
2. The District Collector,
Pudukkottai,
Pudukkottai District.
3. The Superintendent Engineer,
Generalo Construction Cricle,
Tower Line Construction,
TANTRANSCO,
Mannarpuram, Trichy.
4. The Executive Engineer,
Transmission Line Construction,
TANTRANSCO,
Mannarpuram, Trichy.
5. The Commissioner of Police,
Pudukkottai,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from entering in to, putting up, raising or constructing huge towers or poles for erecting or installing high tension transmission line or wire at the petitioner's property comprised in S.No.135/1 at Vanathirayanpatti Village, Viralimalai Taluk, Pudukkottai District by considering and passing appropriate orders on the petitioner's representations dated 11.02.2019 and on 03.03.2019 or in alternatively direct the respondents to pay the compensation for the total extent of 2.41 hectares as per the market value of the mentioned property and solatium to the petitioner within a time frame as fixed by this Court.



For Petitioner : M/s.N.R.Balaji
For Respondents : Mr.R.Seetharaman
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is owning the petition mentioned land. He want this Court to forbear the respondents from putting up putting up, raising or constructing huge towers or poles for erecting or installing high tension transmission line on his land.

3. I am of the view in these matters it is the authority that will have to take the finding call. But then such a decision can be taken only after considering the petitioner's objections and suggestions. This Court vide order dated 14.02.2013 in W.P.No.24631 of 2018 observed as follows:-

*"3. The Hon'ble Division Bench in its order dated 18.12.2015 in W.A.No.1343 to 1352 of 1356 to **1358** of 2015 would indicate that the shortest route will have to be chosen. The authorities may be act under misconception. The land owner may be able to suggest some alternatives. Therefore, I have necessarily reject that stand of the respondents that even without putting the land owner on not the Eab authorities can enter any land. Therefore, in all such matters, the land owner will have to necessarily put on notice. Only then various options can be explored. Of Course, the EB authorities will have the last laugh... But then inputs will have to come from the various stake-holders. In present case, since the civil works have already commenced, the only relief that can be given to petitioner is disbursement of compensation."*

4. The petitioner is of course having a right to demand of compensation for the extend of damage and loss suffered by him. If the compensation offered by the respondent is not sufficient, the petitioner can raise a dispute before the jurisdictional District Collector.

5. This Court, therefore, disposes the writ petition by directing the third respondent to dispose of the petitioner's representation dated 11.02.2019 and 03.03.2019.

6. If the petitioner is not satisfied by the stand of the third respondent or if the compensation offered with on respondent is not sufficient and adequate, the petitioner is to report the dispute to the second respondent.

7. The second respondent is directed to determine the compensation payable to the writ petitioner within a period of four weeks from the date of raising of a dispute.



8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS I)

// True Copy //

Sub Assistant Registrar (CS IV)

dss/rmk

To

1. The Chairman,
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144, Anna Salai, Chennai.
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TANTRANSCO, Mannarpuram, Trichy.
 5. The Commissioner of Police,
Pudukkottai, Pudukkottai District.
- +1CC to Mr.N.R.BALAJI , Advocate SR.No. 52581
+1CC to The Special Government Pleader SR.No. 52821.

W.P. (MD) No.5393 of 2019