IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.9104 of 2020
and W.M.P.No.11094 of 2020
(Heard Through VC)

P.Ponnusamy ..Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Tiruppur.

2. The Deputy General Manager,
Power G rid Corporation of India,
Coimbatore Main Road,
K.Paramathy Road, Karur.

3. The Superintendent of Police,
Tiruppur District, Triuppur.

4. The Inspector of Police,
Kundadam Police Station,
Kundadam, Tiruppur District ..Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from transporting power grid line through petitioner's poultry farm in S.F.No.42 in Muthiyampatti Village of Dharapuram Taluk of Tiruppur District, without conducting inspection as per order of the first respondent dated 28.01.2020 in Na.Ka.No.18714/2019/E5.

For Petitioner : Mr.N.Ponraj

For Respondents 1,3 and4 : Mr.R.S.Selvam
Government Advocate

For Respondent-2 : Mr.R.Thiyagarajan for
M/s.Aiyar and Dolia

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ORDER

The petitioner has sought for Writ of Mandamus, forbearing the respondents from transporting power grid line through petitioner's poultry farm in S.F.No.42 in Muthiyampatti Village of Dharapuram Taluk of Tiruppur District, without conducting inspection as per order of the first respondent dated 28.01.2020 in Na.Ka.No.18714/2019/E5.

2. After the Writ Petition was filed, the second respondent had filed a counter affidavit dated 23.07.2020, wherein in paragraph 16, it is stated that "subsequent to the order dated 28.01.2020 passed by the 1st respondent, this respondent carried out the necessary inspection as early as 04.02.2020 and orally informed the petitioner and further by letter dated 17.07.2020 again intimated the petitioner that there is no technical feasibility to shift the transmission line away from the original alignment passing over S.No.42 of Muthiyampatti Village, Dharapuram Taluk and that POWERGRID has increased the height of the towers in Location Nos.AP-28/0 which was originally of Type B with Zero Metre Extension (B+O) to Type D with 18 Metre height extension (D+18) at an additional cost of Rs.11,47,000/- and Tower Location Nos.AP-28/1 which was originally of Type A with 3 Metre Extension (A+3) changed to Type A with 9 Metre height extension (A+9) at an additional cost of Rs.9,28,000/-."

3. In the Status Report, which was sought for from the District Collector, Tiruppur, an Additional Affidavit dated 09.11.2020 has been filed, in which, in paragraph 4, it has been stated as follows:-

> 4) I submit that this petitioner is entitled for payment of land compensation for carrying out stringing work in his land as prescribed in the G.O.Ms.No.86, dated 30.10.2019. Further land compensation of Rs.3,39,699/- has been fixed vide Na.Ka.No.8570/2018/F4 dated 23.09.2020 by the District Collector, Tiruppur for an extent of 189.1 cents of his land in which stringing work has been completed. In processing the disbursement of land compensation to the petitioner, Tahsildar Dharapuram has issued a notice to this petitioner vide Na.Ka.No.1784/2020/A1 dated 28.09.2020, calling upon the petitioner to furnish the Bank Account details and other relevant documents such as photocopy of Aadhar card, land documents and two passport size photographs of the petitioner for disbursement of compensation. Eventhough the petitioner received such notice on 28.09.2020 6.00 P.M., he has not furnished the Bank Account details and other required documents

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till date. Hence the land compensation could not be disbursed on him. Copy of the Land Compensation fixation order and the copy of the notice are submitted herewith."

4. Considering the prayer in the Writ Petition and as the inspection has already been conducted by the first respondent with due notice to the petitioner, the Writ Petition has become infructuous. However, as the petitioner is entitled for compensation, the above status report was obtained from the District Collector, Tiruppur and the Collector, after arriving at a compensation, had issued notice to the petitioner to furnish the appropriate bank account for the purpose of depositing the amount. Since the petitioner has not furnished the bank account as of now, it is open to him to claim the compensation, that has been arrived at by the District Collector in this regard.

5. In view of the above, the Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
1. The District Collector,
   Office of the District Collector,
   Tiruppur.
2. The Deputy General Manager,
   Power Grid Corporation of India,
   Coimbatore Main Road,
   K.Paramathy Road, Karur.
3. The Superintendent of Police,
   Tiruppur District, Triuppur.
4. The Inspector of Police,
   Kundadam Police Station,
   Kundadam, Tiruppur District

+1cc to the Government Pleader, S.R.No.36747

W.P.No.9104 of 2020
and W.M.P.No.11094 of 2020

VG-II(CO)
RV(10/12/2020)

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