

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :17.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.10482 of 2020
and
WMP.12740 of 2020

Cheran Foundation Trust,
Rep. by its Trustee,
Mr.Kharthik Palanisamy

.. Petitioner

- Vs -

1.The District Collector,
Coimbatore District.

2.The Sub Collector,
Pollachi, Coimbatore District.

3.The Tahsildar,
Kinathukadavu Taluk,
Pollachi, Coimbatore District.

4.The General Manager,
Power Grid Corporation of India Ltd.,
Avinashi coimbatore Road,
Karumathampatty,
Tamil Nadu 641 659.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified Mandamus, calling for the records in the proceedings of the 1st Respondent under Reference Na.Ka.No.23713/2019/C-3 dated 06.02.2020 and quash the same consequently direct the 4th Respondent to re-align the route so as to minimise and damage caused to the Petitioner Trust and pay adequate reasonable compensation.

For Petitioner : Mr.T.Thiyageswaran for
M/s.Waraon and Sai Rams

For Respondents: Mr. S.Thangavel, Spl.G.P. for RR1 to 3
:Mr.Jayesh Dalia for R4.

ORDER

This Writ petition has been filed by the writ petitioner, to call for the records in the proceedings of the 1st Respondent under Reference Na.Ka.No.23713/2019/C-3 dated 06.02.2020 and quash the same consequently direct the 4th Respondent to re-align the route so as to minimise and damage caused to the Petitioner Trust and pay adequate reasonable compensation.

2. It is the case of the petitioner that the petitioner Trust was established with the object of establishing educational institutions and fulfil its object to cater to the needs of the rural students in and around Kattampatty Village, Kinathukadavu Taluk, Coimbatore District and had purchased approximately 51 acres of land at Katampatty Village, Kinathukadavu Taluk. The petitioner's trust had taken all steps at the earliest to construct the educational institution, but in the meanwhile the 1st respondent passed impugned order dated 06.02.2020, where under the 1st respondent has granted permission to the 4th respondent to enter into the property owned by the petitioner Trust for erecting the tower carrying high tension electric wire (400 KVHVDC) from Edayarpalayam to Udumalpet. Challenging the said impugned order, the present petition was filed.

3. Learned counsel appearing for the petitioner Trust submitted that the issue raised in the petition was already settled by this Court as well as Hon'ble Supreme Court. However, without going into the merits, this Court may permit the petitioner Trust to make a detailed representation to the respondent authorities to minimise the damages caused to the petitioner and permit the petitioner to work along with the authorities and this Court may issue a direction to the pay adequate compensation as per the Act.

4. On the above contention, this Court heard learned Special Government Pleader appearing for the respondents 1 to 3 and learned standing counsel appearing for the 4th respondent, who fairly conceded the request made by the learned counsel for the petitioner, and submitted that if any detailed representation is received, on receipt of the same, the authorities are ready to cooperate with the petitioner, if possible to minimise the damages of the petitioner and the compensation will be paid in accordance with law.

5.In view of the concern view expressed by the both side learned counsel, this Court permits the petitioner to make a representation within a period of one week, from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the same in accordance with law as expeditiously as possible, including the case of the petitioner for payment of adequate compensation.

6.With the above direction, this writ petition is disposed of. However there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

jrs

To

1.The District Collector,
Coimbatore District.

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4.The General Manager,
Power Grid Corporation of India Ltd.,
Avinashi coimbatore Road,
Karumathampatty,
Tamil Nadu 641 659.

+1cc to M/s.Aiyar and Dolia , Advocate SR.No. 30529

+1cc to M/s.Waraon and Sai Rams, Advocate SR.No. 30325

+1 cc to Government Pleader Sr.No. 30478

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A.SK(01/10/2020)