

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14325 of 2020
and
W.M.P.No.17792 of 2020
(Heard through VC)

V.Samimuthu

... Petitioner

Vs.

1.The Collector,
Tiruppur District,
Tiruppur.

2.The Deputy General Manager,
Power Grid Corporation of India Limited,
Coimbatore Main Road,
K.Paramathi Road,
Karur - 639 111.

... Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order in Na.Ka.No.17237/2019/E5 dated 30.11.2019 on the file of the 1st respondent, quash the same and direct the 1st respondent to pass fresh orders by mentioning the correct survey number of the petitioner's land as 23/A2 instead of 23/A1 and pay the compensation of the land as per the guideline value of the land and calculate the damages caused to the land and to the crops and pass reasoned order in the light of the order passed by the District Collector, Coimbatore in Na.Ka.No.18001/2019/E2 dated 06.09.2019.

For Petitioner :

Mr.S.Doraisamy

For Respondent-1 :

Mr.P.V.Selvakumar

Additional Government Pleader

For Respondent-2 :

Mr.Jayesh B. Dolia

O R D E R

The writ petition has been filed challenging the order in Na.Ka.No.17237/2019/E5 dated 30.11.2019 passed by the first respondent.

2. The case of the petitioner is that he is the owner of the land in S.No.23/A2 in Puthupai Village, Tiruppur District. The second respondent-Power Grid Corporation of India Limited has proposed to erect Electrical Tower Transmission Line viz. 400 KV D/C (Quad) Pugalur HVDC SS to Pugalur (Existing) TL bearing Tower Location No.22/2 in the land of the petitioner in 23/A2 by invoking Section 6(1) and 10 of the Indian Telegraph Act, 1885. The second respondent has also made a request on 24.10.2019 to the first respondent to accord proper permission to enter into the land of the petitioner in S.No.23/A2 for the purpose of erecting the tower.

3. Notice was issued by the first respondent for enquiry on 22.11.2019. As mandatorily the tower has to pass through the land of the petitioner, the petitioner did not make any objections, but only requested the first respondent to award compensation and damages, in accordance with law, considering the guideline and market value of the property. The first respondent also passed an order on 30.11.2019, which according to the petitioner did not follow the guidelines and payment of compensation was granted mechanically, however permitting the second respondent to enter into the land of the petitioner.

4. The problem arose only when it was found that in the impugned order, the survey number was mentioned as 23/A1 instead of 23/A2. Because of the wrong mentioning of the survey number, though the tower was erected in the land belonging to the petitioner, the petitioner was unable to get his compensation. The act of the first respondent for having entered the wrong survey number in the order dis-entitled the petitioner from claiming any compensation, as the petitioner cannot produce any document of title for the wrong survey number for which he is not the owner. Hence, the above writ petition is filed for changing the correct survey number and also fixing the compensation, based on the guideline value of the land and also compensation for the standing crops.

5. The first respondent-District Collector, Tiruppur has filed a counter affidavit, in which he says that, based on the personal enquiry, order was passed on 30.11.2019 to erect the tower location No.22/2 in S.F.No.23/A1. However, it is stated

that the tower erection on the petitioner's land was completed on 22.02.2020 and the whole Transmission Line work has also been completed in all respects and commissioned on 14.05.2020.

6. The complaint of the petitioner itself is that the survey number has been entered wrongly, when it reads 23/A2, the District Collector has shown it as 23/A1. In the meanwhile, the second respondent had addressed a letter to the petitioner on 21.05.2020 to furnish documents for completing the process of disbursement of the due compensation as mentioned earlier. When the first respondent has mentioned the survey number as 23/A1, for which the petitioner is not the owner, it will not be possible for him to produce relevant documents for the purpose of claiming compensation. Therefore, the first respondent has to make appropriate corrections in the order passed by him on 30.11.2019 mentioning the correct survey number, which belong to the petitioner herein.

7. The second respondent also has already sent a notice to the petitioner on 21.05.2020 indicating that they are willing to pay the following compensation based on the applicability:

- (i) Compensation towards Crop damages;
- (ii) Compensation towards Tree damages;
- (iii) Compensation towards Bore Well; and
- (iv) Compensation towards land for tower footing area as well as line corridor as per the G.O.No.86 dated 31.10.2019 of Government of Tamil Nadu.

8. The learned counsel appearing for the second respondent also would state that he has got no objection for the survey number being corrected by the first respondent, which would enable them to disburse the compensation to the petitioner.

9. In the light of the above factual finding, the first respondent is directed to correct the survey number in the impugned order as "23/A2" instead of "23/A1", wherever it appears in the said order within a period of two weeks from the date of receipt of a copy of this order and furnish a fresh copy to the petitioner. Upon furnishing the copy of the said order, the petitioner is directed to produce all the relevant documents to prove his title to the land upon which the second respondent would disburse the compensation within a period of four weeks.

10. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

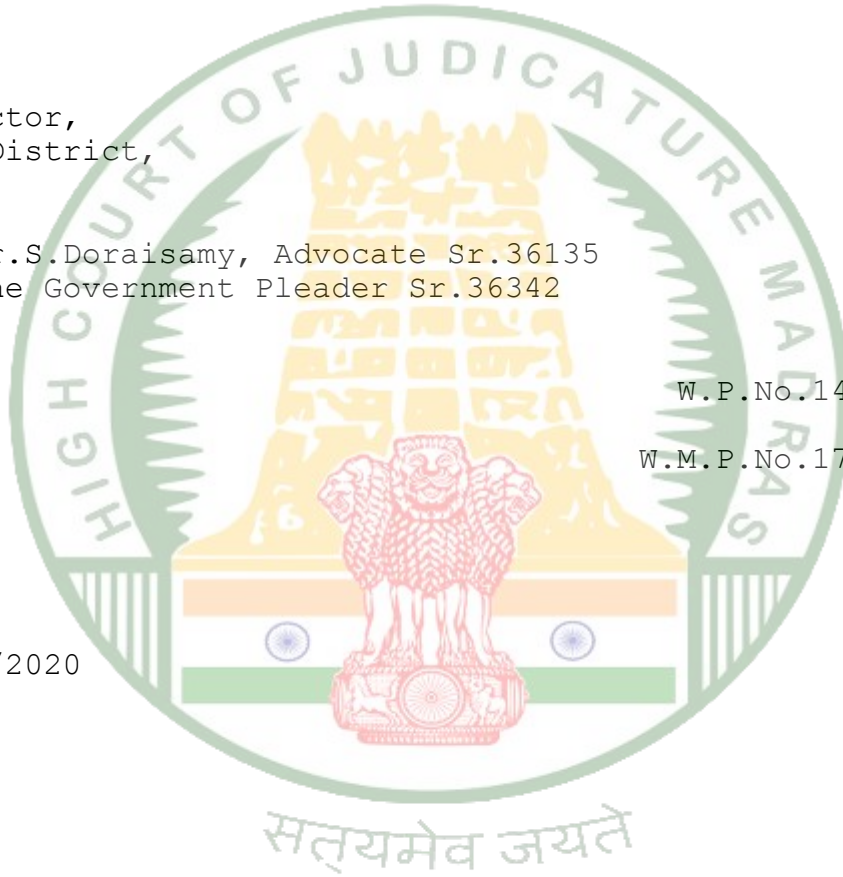
To

The Collector,
Tiruppur District,
Tiruppur.

+1cc to Mr.S.Doraisamy, Advocate Sr.36135
+1cc to the Government Pleader Sr.36342

W.P.No.14325 of 2020
and
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