

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 20.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4766 of 2018 and
W.M.P.No.5892 of 2018

Sajjan Kanwar Bai

... Petitioner

Vs.

1. The District Collector,
District Collector Office, Kanchipuram,
Kanchipuram District.
2. The Chairman, Tamilnadu Electricity Board,
Chennai.
3. The Superintending Engineer,
(General Construction Circle-1),
Tamilnadu Electricity Board, No.230,
GLS Complex, Thiru vee kaa Street,
Guindy, Chennai - 32.
4. The Assistant Divisional Engineer,
O/o the Assistant Divisional Engineer,
Maraimalai Nagar, Chenglepet,
Kanchipuram.

... Respondents

PRAYER: Writ petition filed under Section 226 of the Constitution of India to issue a Writ, order or direction more particularly a writ in the nature of writ of certiorarified mandamus calling for the records of the first respondent relating to the impugned order dated 13.02.2018, quash the same as illegal, arbitrary and devoid of merit and consequently direct the respondents to consider the deviated line proposed by the petitioner in his land.

For petitioner : Mr.P.R.Thiruneelakandan

For respondents :Mr.D.Suryanarayanan
Govt. Advocate for R1
Mr.M.Vijaymehanath,
Standing Counsel for TNEB
for R2 to R4.

ORDER

This writ petition has been filed challenging the impugned order dated 13.02.2018 passed by the first respondent and consequently direct the respondents to consider the proposed deviated route to erect the line in his land.

2. According to the petitioner, the respondents attempted to erect the High Tension Electric Tower in her land and the same was objected by her. However, the petitioner has given proposals to the respondents 2 to 4 to lay the line in her land, by slightly deviating the HT Tower by 20 feet and she has also given representation to consider her objection. But the first respondent had passed the impugned order dated 13.02.2018 by rejecting the representation and the objection. Hence this writ petition.

3. The learned counsel appearing for the first respondent stated that already enquiry was conducted by the District Collector on 15.12.2017, as per the provisions of Indian Telegraph Act and thereafter, permission was granted to enter upon the lands in survey No.72/2C1A and 72/2C1B of Vallam Village, Chengalpattu Taluk, Kancheepuram District, owned by the petitioner, as per the impugned order dated 13.02.2018.

4. The learned counsel appearing for the respondents 2 to 4 submitted that in view of the proceedings issued by the District Collector, Kancheepuram, the line was erected in the petitioner's land and therefore, at present no relief can be granted to the petitioner.

5. At this juncture, this court expressed its opinion that whether the petitioner is entitled to get compensation, based on the government order, since already line was erected in the petitioner's land.

6. The learned counsel appearing for the first respondent replied that if the petitioner make representation to the authority concerned for compensation, the same shall be considered in the light of the Government Order.

7. The above statement of the learned counsel appearing for the first respondent is recorded. Since already line was erected, no relief can be granted to the petitioner, however, the petitioner is at liberty to give representation to the authority concerned seeking compensation for the loss sustained by her. If the petitioner filed application for compensation, the authority concerned shall consider the same and pass appropriate orders in the light of the Government Order.

8. With the above observation, this writ petition is disposed of. No costs. The Writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mst
To

1. The District Collector,
District Collector Office, Kancheepuram,
Kancheepuram District.
2. The Chairman, Tamilnadu Electricity Board,
Chennai.
3. The Superintending Engineer,
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4. The Assistant Divisional Engineer,
O/o the Assistant Divisional Engineer,
Maraimalai Nagar, Chenglepet,
Kancheepuram.

+1cc to the Government Pleader Sr.24677
+1cc to Mr.Abdul Saleem, Advocate Sr.24140

सत्यमेव जयते

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srg 06/07/2021

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