

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.9494 of 2021

A.Irusappan

..Petitioner

Vs

1. The Government of Tamil Nadu
Represented by its Principle Secretary,
Energy (A1) Department,
Secretariat, Chennai - 600 009.
2. TANTRANSCO,
Represented by its Chairman,
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai - 600 002.
3. The District Collector,
Kancheepuram District,
Kancheepuram - 613 605.
4. The District Revenue Officer,
Kancheepuram District,
Kancheepuram - 613 605.
5. The Tahsildhar,
Walajabad Taluk,
Kancheepuram District,
Pin Code: 631 605.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to determine the compensation for erection of towers and right of way in the Petitioner's lands in S.Nos. 15/1 & 15/2 situated at Seemangalam Revenue Village, Walajabad Taluk, Kancheepuram District as per the Government Order dated 30.10.2019 made in G.O.Ms.No.86 issued by the First Respondent.

For Petitioner

:Mr.M.R.Jothimanian
for Mr.K.Balu

For R1, R3 & R4

:Mr.R.S.Selvam, GA

For R2

:Mr.Abdul Saleem

ORDER

This writ petition has been filed for a direction to the third respondent to determine the compensation for erection of towers and right of way in the Petitioner's lands in S.Nos.15/1 & 15/2 situated at Seemangalam Revenue Village, Walajabad Taluk, Kancheepuram District as per G.O.Ms.No.86 dated 30.10.2019, issued by the first respondent.

2.The case of the petitioner is that he owns agricultural lands comprising in S.Nos.15/1 and 15/2 measuring to an extent 5.68 Acres of Seemangalam Revenue Village, Wallajabad Taluk, Kancheepuram District and is doing cultivation. While so, the second respondent formulated a Scheme for laying Super High Tension Transmission Line (HTTL), erection, manufacture, supply, Testing, Commissioning etc. of 765 KV DC Line with Hexa Zebra ACSR Conductor from North Chennai 765/400 KV GIS Pooling Station to Ariyalur (Villupuram) 765/400 KV SS for a length of 104.814 km from Location AP 118 to AP 310, falling wind zone 5 in Location No.258/0, which pass through many villages. Pursuant to the same, the third respondent acquired an extent of 0.40 cents of the subject lands belonging to the petitioner, for the purpose of constructing foundation basement to support the overhead power transmission line. During the said operation, due to movement of high power machineries, deep excavation of soil, storing the construction materials, preparing cement concrete mixing process etc., the crops standing in the petitioner's lands were completely damaged and nearly 2 acres of land was trespassed and forcefully occupied by the respondents. However, no compensation was paid to the petitioner for the damages caused to him. In this regard, he made representation to the respondents, which was not considered till date. Hence, this writ petition.

3.Today, when the matter was taken up for consideration, the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents jointly submitted that the compensation payable to the petitioner is to be determined only by the third respondent, before whom the representation of the petitioner is pending. Hence, they sought appropriate direction to the third respondent for early disposal of the matter.

4.In view of the above submissions made by the learned counsel on either side, the third respondent is directed to consider the claim of the petitioner seeking compensation, and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner as well as any other interested parties, within a period of four (4) weeks from the date of receipt of a copy of this order.

5.This Writ Petition is disposed of with the above direction. No costs.

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary,
Government of Tamil Nadu
Energy (A1) Department,
Secretariat, Chennai - 600 009.

2. The Chairman,
TANTRANSCO,
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai - 600 002.

3. The District Collector,
Kancheepuram District,
Kancheepuram - 613 605.

4. The District Revenue Officer,
Kancheepuram District,
Kancheepuram - 613 605.

5. The Tahsildhar,
Walajabad Taluk,
Kancheepuram District,
Pin Code: 631 605.

+1 CC to Mr.K. Balu, Advocate sr 25592.

+1 CC to The Government Pleader sr 25982.

+1 CC to Mr.K. Abdul Saleem, Advocate sr 25648.

UM(CO)
SP(12/07/2021)

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