

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.P.No.42771 of 2016
and
W.M.P.No.36684 of 2016

P.Sivanantham

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO),
West Wing, 10th Floor, N.P.K.R.R.Maligai,
No.144, Anna Salai, Chennai - 600 002.

2.The Chief Engineer,
Civil Designs and Hydro Projects,
Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO),
West Wing, 10th Floor, N.P.K.R.R.Maligai,
No.144, Anna Salai,
Chennai - 600 002.

3.The Chief Engineer,
Kollimalai Hydro Electric Project,
N.V.N.Road, Erode.

4.The Superintending Engineer,
Civil/Hydro Electric Project,
N.V.N.Road, Erode.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, forbearing the respondents from proceeding with the Kollimalai Hydro Electric Project at Survey No.191 bearing Patta No.35, situated at Valappoornadu, Irunguzhipatti, Namakkal District, without any authority under law and consequently direct the respondents to utilize the private property of the petitioner only after following the procedure of acquisition and paying adequate compensation to the petitioner.

For Petitioner : Mr.R.Sureshkumar for
M/s.K.M.Vijayan Associates

For Respondents: Mr.N.Damodharan
Standing Counsel

O R D E R

The writ petition has been filed for a Mandamus, forbearing the respondents from proceeding with the Kollimalai Hydro Electric Project at Survey No.191 bearing Patta No.35, situated at Valappoornadu, Irunguzhipatti, Namakkal District, without any authority under law and consequently direct the respondents to utilize the private property of the petitioner only after following the procedure of acquisition and paying adequate compensation to the petitioner.

2.The 3rd respondent Chief Engineer/Project/Civil has filed an counter affidavit dated 13.09.2019 in Paragraph Nos.9,10,11,12 and 13 following undertaken has been given:

9.I submit that TNEB has done the work of formation of temporary approach road during 1996 as well as during the period 2008-09, only after getting oral permission from the previous land owner Thiru.Oyanguli cilali Andi Gounder and 9 others and the petitioner is well aware of the works that were carried out during that period and he was one of the active participants in the tenders floated by TNEB during that period for works in Kollimalai Hydro Electric Project.

10.I submit that the said land of the petitioner is a dry land and there was no cultivation carried out during the period 2007-09. The petitioner has addressed TANGEDCO vide his letter dated 21.10.2016 requesting reply to his earlier petition dated 07.12.2010. It is stated that the petitioner has not furnished any documents like title deed, patta, chitta, adjacent FMB sketch, E.C., etc., to TANGEDCO, supporting his ownership of the said land. Further TANGEDCO has addressed the Tahsildar/Kollimalai vide letter dated 07.12.2016, requesting Land 'A' Register copy, patta chitta, Adangal, FMB sketch related to the petitioner's land. Also the petitioner has been addressed vide TANGEDCO letter dated 02.12.2016 stating that if the said land to an extent of 1.2 acres is

found to be owned by the petitioner, and if it fouls in the project approach area, necessary arrangement will be made for paying compensation for the land by TANGEDCO when the petitioner submits the related documents.

11.I submit that TANGEDCO has already submitted the Land Plan Schedule to the District Collector/Namakkal and also addressed the District Collector/Namakkal now vide letter dated 05.12.2016 for making arrangements to get Administrative Sanction for the acquisition of land from the Tamil nadu Government and to expedite the Land Acquisition process either under District Level Private Negotiation or under Industrial Purpose Act, since the new Land Acquisition Act 2013 (w.e.f 1.1.2014) has not been implemented by the T.N.Govt.

12.I submit that as directed by the Hon'ble High Court dated 07.12.2016, TANGEDCO assures that no work will be carried out in the petitioner's land until further order is issued.

The respondent has given an undertaking that no work will be carried out in the petitioner's property.

3.Recording the same, this writ petition is disposed. The petitioner is directed to submit the required documents supporting his ownership over the property together with the details called for within a period of two weeks from the date of receipt of a copy of this order with the concerned respondent. Thereafter, the respondent shall pass appropriate orders and intimate whether it wishes to proceed further. In case, it proposes to utilize the private property of the petitioner, it shall be in accordance with law.

4.This writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jas
To

- 1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
West Wing, 10th Floor, N.P.K.R.R.Maligai,
No.144, Anna Salai, Chennai - 600 002.
- 2.The Chief Engineer,
Civil Designs and Hydro Projects,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
West Wing, 10th Floor, N.P.K.R.R.Maligai,
No.144, Anna Salai, Chennai - 600 002.
- 3.The Chief Engineer,
Kollimalai Hydro Electric Project,
N.V.N.Road, Erode.
- 4.The Superintending Engineer,
Civil/Hydro Electric Project,
N.V.N.Road, Erode.

W.P.No.42771 of 2016
and
W.M.P.No.36684 of 2016

sky[co]
srg 26/03/2021

सत्यमेव जयते

WEB COPY