



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO. 15801 OF 2014

A.Muthuraman

... Petitioner

Vs

Power Grid Corporation of India Limited,  
Represented by its Deputy General Manager,  
400 KV Substation,  
Pennalur,  
Sriperumbudur - 602 117.

...Respondent

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the order of the respondent dated 22.05.2014 in SR-II/SPDR/TLM/F-708/WP 17998/2007/2014/796 and quash the same and consequently direct the respondent to pay a reasonable compensation for the damages caused by the respondent to the property of the petitioner at Plot No.48 and 49, Indira Gandhi Nagar, Kavanoor Village, Sriperumbudur Taluk, Kancheepuram District, in case the electric tower from the plots of the petitioner to the vacant site of the graveyard situated behind the plot of the petitioner could not be shifted.

For Petitioner : Mr.R.Ragoth  
For Mr.K.Selvaraj

For Respondent : Mr.L.Jai Venkatesh  
Standing counsel for TANGEDCO

O R D E R

The request of the petitioner for shifting of tower from his plot to another area was rejected by the respondent in proceedings dated 22.05.2014. Challenging the said order, the present writ petition is filed.

2. The respondent-Power Grid Corporation of India undertook



construction of Kalivanthapattu-Sriperumbudur 400 KV D/C LILLO Line and in this regard, the petitioner submitted a representation for shifting of the tower from his plot to some other area. Based on the representation, the petitioner earlier filed the Writ petition in W.P.No.17998 of 2007 and said writ petition was disposed of with a direction to consider the representation. Accordingly, the representation submitted by the petitioner was considered by the respondent / Power Grid Corporation of India. The respondent, considering various factors as well as the route fixed for implementation of the scheme, had taken a decision that the request of the petitioner cannot be considered. Accordingly, they have passed the order impugned, stating that shifting of tower from the plot belongs to the petitioner cannot be considered.

3. The reasons stated that Power Grid Corporation of India Ltd., on the relevant provisions of "The Electricity Act, 2003" and part III Sec.10 to 19 of "The Indian Telegraph Act", 1885, conferred by Government of India in exercise of powers conferred under Sec.164 of the Electricity Act 2003 passing an order dated 24.12.2003 vide Gazette of India No.1148 authorizing POWERGRID to exercise all powers vested in the Telegraph Authority under Part III of The India Telegraph Act, 1885, in respect of Electrical Lines and Electrical Plants established or maintained for Transmission of Electricity or for the purpose of Telephonic or Telegraphic Communication necessary for the purpose Co-ordination of the works, has constructed 400 KV D/C Kalivanthapattu - Sriperumbudur LILLO Line.

4. This being the factum, the powers conferred and further shifting will cause hindrance for the implementation of the project, the authorities rejected the request. Already 6 ½ years lapsed and after this length of time, this Court of the opinion that further interference with reference to the decision taken by the respondents are uncalled for and cannot be considered. However, the petitioner is entitled for compensation and if any such compensation is not paid, the petitioner is at liberty to approach the competent authorities.

5. With these observations, the writ petition stands dismissed. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nti/kak



To

The Deputy General Manager,  
Power Grid Corporation of India Limited,  
400 KV Substation,  
Pennalur,  
Sriperumbudur - 602 117.

W.P.No. 15801 of 2014

KSM(CO)  
PM/09/12/2021