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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21235 of 2019

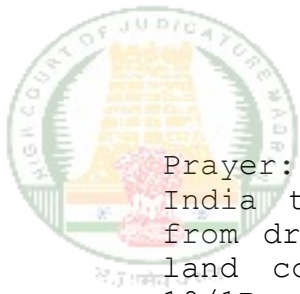
G.Anbalagan

...Petitioner

Vs.

1. The Chairmann,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
No.144-Annasalai,
Chennai 600 002.
2. The Executive Director,
M/s.Power Grid Corporation of India Ltd.,
Southern Region Transmission System-II,
RHQ, near RTO Driving Test Rack,
Singanyackenhalli, Yelhanka Hobli,
Bangalore, Karnataka.
3. The Chief General Manager,
Chief Engineer,
M/s. Power Grid Corporation of India Ltd.,
Bharathy Nagar 1st Street,
T.Nagar, Chennai.
4. The Manager,
M/s. Power Grid Corporation of India Ltd.,
No.1278, Ganapathy Nagar,
Vengaikkal,
Thiruvannamalai Taluk and District.
5. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
6. The Project Manager,
Simplax Office,
Kurinji Nagar,
(Near to Anand Driving School),
Vengaikkal,
Thiruvannamalai Taluk and District.

...Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from drawing transmission cables and lines over the petitioners land comprised in S.No.2/4A, 2/4B , 32/3A, 39/1, 9/3B, 19/1B, 21/1A2, 21/6, 46/10 B and 46/14 situated at Padiyampudur Village, Polur Taluk and Tiruvannamalai District, without determining and paying compensation to the petitioner in accordance with section. Section 10(d) of Indian Telegraph Act 1885 or Rule 3(1) (2) of works of Licensees Rules, 2006 and The Central Electricity Authority Technical Standard for Construction of Electrical Poles and Electrical Lines) regulations 2000 for damages sustained by the petitioner with regard to transmission of lines by the respondent No.1 to 3 upon the agricultural land of petitioner by considering representation dated 27.06.2019.

For Petitioner : Mr.R.Rajarajan

For R1 : Mr.Jaivenkateh,
Standing Counsel (TNEB)

For R 2,3,4 : Mr.V.Kalyanaraman
for M/s.Aiyar and Dolia

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents from drawing transmission cables and lines over the petitioners land comprised in S.No.2/4A, 2/4B , 32/3A, 39/1, 9/3B, 19/1B, 21/1A2, 21/6, 46/10 B and 46/14 situated at Padiyampudur Village, Polur Taluk and Tiruvannamalai District, without determining and paying compensation to the petitioner in accordance with section. Section 10(d) of Indian Telegraph Act 1885 or Rule 3(1) (2) of works of Licensees Rules, 2006 and The Central Electricity Authority Technical Standard for Construction of Electrical Poles and Electrical Lines) regulations 2000 for damages sustained by the petitioner with regard to transmission of lines by the respondent No.1 to 3 upon the agricultural land of petitioner by considering representation dated 27.06.2019.

2. The case of the petitioner is that the petitioner is owning an agricultural land admeasuring an extent of 0.93.5 hectares comprised in S.No.2/4A, 2/4B , 32/3A, 39/1, 9/3B, 19/1B, 21/1A2, 21/6, 46/10 B and 46/14 situated at Padiyampudur Village, Polur Taluk and Tiruvannamalai District, by way of a registered Partition Deed between the petitioner and



his father V.Govindsamy and he is in absolute possession and enjoyment of the same and he is entirely depending on his lands for the source of his livelihood. While being so, the respondents 1 to 3 erected towers in and around the Polur Taluk for the erection of 400 KV High Power Electrical towers to meet out additional requirement of power supply.

3. It is claimed by the petitioner that the respondents without following any procedures as contemplated under law and guidelines, the respondents have started to erect tower in the adjacent land of the petitioner, where there are 50 coconut trees and 60 mango trees are planted. The erection of towers and transmission of lines upon the agricultural land of petitioner is totally contrary to the sanctioned scheme and due to the transmission of lines, the petitioner would be unable to cultivate his fields and unable to utilize his land for any other purpose. Therefore, he had given representation to the respondent authorities on 27.06.2019 in person for damages sustained by the petitioner with regard to transmission of lines by the respondent No.1 to 3 upon the agricultural land. However the 5th respondent, who is duty bound to consider the petitioner application for compensation in accordance with Indian Telegraph Act, has failed to determine and pay compensation to the petitioner. Hence the petitioner is constrained to approach this Court by filing this petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 27.06.2019 and pass orders on the same within a particular time frame fixed by this Court.

5. However, the learned Standing counsel appearing for the TNEB submitted that during the pendency of this Writ Petition, the cable lines were erected on the petitioner's land and the project was also completed on 25.10.2021 itself and further the compensation was released by the authorities concerned in the year 2019 itself and the same is readily available. Since the petitioner has not received the said compensation amount, it got returned periodically.

6. The learned counsel appearing for the petitioner on instructions expressed his willingness to receive the compensation, which was readily available.

7. In view of the aforesaid submissions, since the petitioner is ready to receive the compensation, the 1st respondent is directed to pay the compensation to the petitioner within a period of four weeks from the date of receipt of a copy of this order. If the petitioner is not satisfied with the awarded



compensation amount, it is open to him to workout his remedy in the manner known to law. This writ petition is accordingly disposed of. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairmann,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
No.144-Annasalai,
Chennai 600 002.

2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

+1cc to M/s.Aiyar & Dolia, Advocate, S.R.No.62738

W.P.No.21235 of 2019

PL(CO)
RGA(27/12/2021)