



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26239 of 2019

R.Krishnan

...Petitioner

Vs.

1. The Chairman and Managing Director,
Tamil Nadu Electricity Board,
SIDCO INDUSTRIAL ESTATE, GUINDY, CHENNAI-32
2. The Chairman, Tamil Nadu Transmission
Corporation (TANTRANSCO),
No.144, Anna Salai, Chennai - 2.
3. The District Collector,
Thiruvallur Collector Office,
Master Plan Complex, NH 205, Thiruvallur - 602 001.
4. Executive Engineer,
O&M/AVADI/CEDC/WEST,
1st Floor, N M Road,
Avadi, Chennai - 54.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to shift the high voltage overhead electricity lines (HVOTL) and tower that run above the petitioner's property at Survey No,85/1, Mabuskanpettai village, Ponneri Taluk, Thiruvallur District admeasuring an extent of 2 Acres and install the same along the nearby canal in the Government land at their own cost within stipulated period of time granted by this Honourable Court.

For Petitioner : Mr.R.Amizhdhu

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 4th respondent to shift the high voltage overhead electricity lines (in short HVOTL) and tower running above the petitioner's property at Survey No.85/1 and install the same in the nearby canal in the Government land at their own cost within stipulated period of time granted by this Honourable Court.

2. The case of the petitioner is that he is the owner of the property situated in Survey No.85/1 and has obtained the patta in respect of the said land in his name and he was planning to construct a factory in the above said land. While being so, the petitioner came to know that a huge power transmission line has been erected in the patta land of the petitioner without any notice. Therefore, the petitioner sent representation to the respondents 1 to 3 dated 16.05.2019 requesting for shifting of the unauthorized high power transmission power line from his patta land. However, the 3rd respondent forwarded the same to the 4th respondent along with a letter stating that the disputed land comes under the jurisdiction of Avadi Division and hence, it is transferred for taking further action. Thereafter, the petitioner sent a representation dated 29.07.2019 to the 4th respondent requesting for the removal of the high power transmission power line erected in his land. However, till date no orders were passed on the petitioner's representation. Hence, this present petition is filed.

3. The learned counsel for the petitioner submits that the respondents have erected the transmission tower in the petitioner's patta land without any prior notice or consent from the land owner/him. He further submitted that adjacent to the petitioner's property, there is a canal land/porambokku land which would be ideal for the installation of tower and HVOTL, which was absolutely ignored by the respondents as it may cost more for installation in the canal land. He further more submitted that this Court by its order dated 15.10.2019, directed the 3rd respondent to depute a responsible official not below the rank of Deputy Tahsildar for conducting field enquiry and inspection on the disputed land and subsequently, the 3rd respondent directed the Revenue Divisional Officer, Ponneri to conduct inspection and file report and accordingly, the inspection was made and it is evident from his inspection report that the transmission tower is erected in petitioner's land. Hence, he submitted that, it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 29.07.2019 and pass orders to shift the transmission lines and tower to the adjacent porambokku land within a particular time frame fixed by this Court.



4. The learned Standing Counsel appearing for the respondents submitted that the petitioner had not raised any objection during the erection of High tension towers, though he is well aware of the project being implemented through his property. He further submitted that as per Section 10(d) of the Indian Telegraph Act, 1885, while exercising the powers under the Telegraph Act, the authority shall ensure minimal damage to the property and to pay full compensation for such damage sustained and as per G.O.Ms.No.63 of Energy Department (A1) dated 22.11.2017, the petitioner is entitled for compensation at the rate of 85% of the guideline value for the area covered under the four legs of the tower and 15% of the guideline value for the line corridor area and the said available remedy was wantonly suppressed by the petitioner. He furthermore submitted that major portion of the project is completed and it is mainly for the overall public welfare and to improve low voltage problem, and therefore, he requests the kind indulgence of this Court to complete the project. Hence, he prays this Court shall dismiss the Writ petition as devoid of merits.

5. In view of the aforesaid submissions, it is evident that the petitioner is entitled for compensation as per the G.O.Ms.No.63, Energy Department (A1) dated 22.11.2017. Hence, this Court issues direction to the petitioner to file appropriate application/representation before the respondents within a period of four weeks from the date of receipt of a copy of this order to claim the compensation amount entitled to him and on receipt of such application/representation, the respondents shall pay the compensation amount to the petitioner with reasonable interest from the date of erection, if not paid, within a period of four weeks from the date of receipt of a copy of this order.

6. This writ petition is accordingly disposed of. No costs. However, liberty is granted to the petitioner to file appropriate petition for further higher compensation if he is aggrieved by/not satisfied with the compensation amount that may be paid by the respondents.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

skt



To

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Tamil Nadu Electricity Board,
SIDCO INDUSTRIAL ESTATE, GUINDY, CHENNAI-32

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+1 cc to Mr.R.Amizhdhu, Advocate Sr.NO. 66473

W.P.No.26239 of 2019

PMK(CO)

A.SK(04.02.2022)