



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM :

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.11700 OF 2022

AND

W.M.P.NOS.11161 AND 11162 OF 2022

1.N.Soundararajan

2.N.Ravi

3.N.Vetrivel

...Petitioners

Versus

1.Government of Tamil Nadu,
Rep. by its Secretary (Energy Department)
Fort St. George,
Chennai 600 009.

2.The Tamil Nadu Transmission Corporation
Ltd., Rep. by its Managing Director,
NPKRR Maaligai, No.144, Anna Salai,
Chennai 600 002.

3.The Additional Chief Engineer,
Tamil Nadu Transmission Corporation Ltd.,
General Construction Circle (GCC)-II,
Alandur, Chennai 600 016.

4.The Superintending Engineer,
Tamil Nadu Transmission Corporation Ltd.,
General Construction Circle (GCC)-II,
Alandur, Chennai 600 016.

5.District Collector,
Chengalpattu District,
Chengalpattu.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue writ of Certiorarified Mandamus to call for the records pertaining to the issuance of Lr.No.ACE/GCC-II/CNI/AEE/GL/CNI/F.Veeramanur - Otti/D.1346/20 dated 21.11.2020 on the file of the 3rd respondent and quash the same and direct



the respondents to pay compensation for the damage sustained to the petitioners property in S.Nos.119/3, 128/2, 128/6, 130/1, 130/2, 130/3 and 130/5 at Mangalam B Village, Tirukazhukundram Taluk as per G.O.Ms.No.86, Energy (A1) Department dated 30.10.2019 within the time frame fixed by this Court.

For Petitioners : Mr.Vijayamehanath
for M/s.AAV Partners

For Respondents : Mr.T.Seenivasan
Spl.G.P. for RR1 and 5

: Mr.S.Madhusudanan
for RR 2 to 4

ORDER

This writ petition has been filed challenging the order dated 21.11.2020 rejecting the petitioners' request for compensation on account of High Tension Electric Tower laid in petitioners' property by the respondents. The petitioners have challenged the impugned order on the ground that the respondents have erroneously relied upon G.O.Ms.No.63, Energy Department (A1) dated 22.11.2017 for rejecting the petitioners' request for compensation.

2. According to the petitioners, the third respondent failed to consider the subsequent Government Order passed in G.O.Ms.No.86, Energy (A1) Department dated 30.10.2019, under which the Government had considered the interest of the land losers.

3. The contention raised by the petitioners in this writ petition has admittedly not been considered by the third respondent under the impugned order. Therefore, this Court is of the considered view that it is a non-speaking order and no opportunity of personal hearing has also been granted to the petitioners, as seen from the impugned order. Therefore, this Court is of the considered view that principles of natural justice has also been violated by the third respondent.

4. For the foregoing reasons, the impugned order dated 21.11.2020 passed by the third respondent is hereby quashed and the matter is remitted back to the fifth respondent who is the competent authority to redress the grievance of the petitioners after affording a fair hearing to the petitioners including granting them the right of personal hearing. The fifth respondent is directed to pass final orders within a period of twelve weeks from the date of receipt of a copy of this order.



5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

sr

To

1.The Secretary to Government of Tamil Nadu,
(Energy Department)
Fort St. George, Chennai 600 009.

2.The Managing Director,
Tamil Nadu Transmission Corporation Ltd.,
NPKRR Maaligai, No.144, Anna Salai,
Chennai 600 002.

3.The Additional Chief Engineer,
Tamil Nadu Transmission Corporation Ltd.,
General Construction Circle (GCC)-II,
Alandur, Chennai 600 016.

4.The Superintending Engineer,
Tamil Nadu Transmission Corporation Ltd.,
General Construction Circle (GCC)-II,
Alandur, Chennai 600 016.

5.The District Collector,
Chengalpattu District,
Chengalpattu.

+1cc to Mr.S.Madhusudanan, Advocate Sr.No.32316

+1cc to M/s.AAV Partners, Advocate Sr.No.33178

+1cc to the Government Pleader Sr.No.33081

W.P.No.11700 of 2022

GPL (CO)
RVM(13/06/2022)