



W.P.No.27663 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.27663 of 2014
and
M.P.Nos.1, 2 & 3 of 2014

D.Lenin

...Petitioner

Vs.

1. M/s. IL & FS Tamil Nadu Power Company Ltd.,
Rep. by Chairman,
D-Block Navin's Presidium,
4th Floor, 103, Nelson Manickam Road,
Aminjikarai, Chennai - 600 029.
2. M/s. IL & FS Engineering & Construction Company Ltd.
Rep. by General Manager,
Karikuppam, Parangipettai,
Cuddalore District.
3. The District Collector
Cuddalore District, Cuddalore.
4. The Sub Collector
Sub Collector Office, Chidambaram Taluk. ...Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents not to commit any act or omission which will interfere with the petitioner agricultural land and to remove the post erected near and overhead transmission line over the petitioner's agricultural land with survey no.161/4B to some other location or follow the previous route path selected by the respondents and also directing the respondents 1 & 2 through 3rd respondent to pay the full and reasonable compensation for the loss and damage caused by the respondents 1 & 2 while erecting an over head transmission line near and across the petitioner's agricultural land with survey no.161/4B during the period from 26.12.2013 to till date.

For Petitioner : Mr.A.Rajarajan

For Respondents : Mr.S.Arun Prasad, for R1 & R2
: Mr.A.Anandan, GA, for R3 & R4

ORDER

This Writ Petition was initially disposed of on 18.08.2022, however, before the order was signed, mention was made before this Court for listing the same for certain clarification and accordingly the matter is listed for further hearing.

2. The petitioner has filed this Writ petition seeking issuance of a Writ



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of Mandamus to direct the respondents not to commit any act or omission which will interfere with the petitioner agricultural land and to remove the post erected near and overhead transmission line over the petitioner's agricultural land to some other location or follow the previous route path selected by the respondents and to consequently, direct the respondents 1 & 2 to pay the compensation for the loss and damage caused while erecting an over head transmission line near and across the petitioner's land during the period from 26.12.2013 to till date.

3. The case of the petitioner is that he claims to be the owner of the agricultural land comprised in Survey No.161/4B situated at Boothavarayanpettai Village and has also obtained patta in Patta No.626 in his favour and he is in absolute possession and enjoyment of the same. Whiles, the officials from the 1st and 2nd respondents' office entered into the petitioner's land, damaged the same and doing preliminary works for erecting electric tower in the subject land, without issuing any notice to the petitioner. Aggrieved by the same, the petitioner lodged a complaint dated 26.05.2014, pursuant to which, the official on behalf 1st and 2nd respondents



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came for police enquiry and expressed their willingness to give compensation for the crops damaged in three instalments before completion of the work and requested the petitioner to withdraw the complaint, and the same was accepted by the petitioner. Subsequently, the respondents have paid two instalments through cheque, however, on payment of third instalment, the 1st and 2nd respondents forced the petitioner to undertake, that he will not proceed further seeking legal remedy, hence, the petitioner refused to receive the third cheque. Thereafter, the petitioner lodged a complaint before the Deputy Superintendent of Police, however, the same is pending. Aggrieved by the same, the petitioner made representations dated 26.05.2014 and 12.06.2014 before the 3rd and 4th respondents respectively, seeking payment of fair compensation and removal of the post, however, the 4th respondent directed the petitioner to approach the 1st respondent and pursuant to which, the petitioner made a representation dated 30.08.2014 before the 1st and 2nd respondents, however, till date, no order has been passed on the said representation. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the



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petitioner submitted that, it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 30.08.2014 and pass orders on the same as expeditiously as possible.

5. Learned counsel appearing on behalf of the 1st and 2nd respondents submitted that, already the initial compensation was paid to the petitioner in two instalments and they are ready to pay the third instalment also, however, the petitioner is not ready to receive the same. It is further submitted by the learned counsel for the petitioner that a Writ as against respondents 1 & 2 is not maintainable, however, he fairly submitted that the respondents on their own volition would consider, the petitioner's representation dated 30.08.2014 and appropriate orders will be passed within the time stipulated by this Court.

6. It is to be stated that a writ as against a private entity is not maintainable merely because the Government has been impleaded as a party though no relief is claimed as against the said respondents. However, in view of the stand taken by the learned counsel for respondents 1 & 2, the petitioner is at liberty to make a fresh representation before the respondents 1 & 2. On such representation, 1st & 2nd respondent to consider and pass appropriate



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orders on the said representation as expeditiously as possible.

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7. With the above observations, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

28.09.2022

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Speaking Order : Yes/ No
Index : Yes/ No



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