



W.P(MD)No.1686 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.11.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.1686 of 2014

and

M.P(MD)No.1 of 2014

V.N.Krishnamoorthy

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
K.Pudur,
Madurai-7.

2.The Executive Engineer,
Tamil Nadu Electricity Board,
K.Pudur,
Madurai-7.

3.The Assistant Executive Engineer,
High Tension Electricity,
Tamil Nadu Electricity Board,
K.Pudur,
Dindigul-2.

4.The Assistant Executive Engineer,
TANTRANSCO,
Dindigul-2.

... Respondents

(R4 is *suo motu* impleaded vide Court order, dated 02.11.2022)



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the third respondent in க.எண்.:உ.செ.பொ./பெமிவக/திண்டு/கோ கட்டு/அ.எண். 112/13 dated 30.12.2013 and quash the same and consequently forbearing the respondents, their officials and subordinates from erecting High Tension Electricity connection towers in the petitioner's land situated in Survey Nos.554/1 and 554/2, S.Paraipatti Village, Aathur Taluk, Dindigul District.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.S.Deena Dhayalan
Standing Counsel

ORDER

The Assistant Executive Engineer, TANTRANSCO, Dindigul-2 is *suo motu* impleaded as fourth respondent.

2. The present writ petition has been filed challenging an order passed by the impleaded fourth respondent.

3. According to the petitioner, he is the absolute owner of Survey



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Nos.554/1 and 554/2. Without obtaining any prior permission from the petitioner, the fourth respondent herein has put up a basement for the construction of an electrical tower. The petitioner has further contended that the construction of the said tower has caused great damage to the trees and to the agricultural crops that were standing in the said survey number. When the petitioner lodged a complaint before the fourth respondent herein, the fourth respondent has passed the present impugned order contending that when the basement was erected, the land was only fallow. In case, if the petitioner has incurred any damages to the trees or the agricultural crops, he is always at liberty to approach the fourth respondent and the compensation could be disbursed to the petitioner on the basis of the guidelines issued by the revenue officials. This order is under challenge in the present writ petition.

4. A perusal of the impugned order clearly indicates that after obtaining administrative approval from the Government of Tamil Nadu published in the gazette, dated 28.08.2013, the present project of drawing electrical lines is being undertaken by the fourth respondent herein. In such an event, the question of obtaining prior permission from the writ



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petitioner would not arise. However, if the petitioner had incurred any damage to the land, trees or crops, he is always entitled to receive adequate compensation from the fourth respondent. Hence, the order impugned in the writ petition cannot be set aside. However, the petitioner is directed to approach the fourth respondent herein and apply for the compensation along with all the relevant records. In case, if the petitioner approaches the fourth respondent, the fourth respondent is directed to consider the request of the petitioner for compensation and pass orders in accordance with law within a period of twelve (12) weeks from the date of receipt of such application from the writ petitioner.

5. With the above said observations, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

02.11.2022

Index : Yes / No
Internet : Yes / No
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- 3.The Assistant Executive Engineer,
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Dindigul-2.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.1686 of 2014

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