



W.P.No.6755 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.6755 of 2020
and W.M.P.No.8033 of 2020

1.Muthusamy
2.Ramasamy
3.Viswanathan
4.Karthikeyan
5.Naathaal @ Nachammal
6.Ponnathal @ Ponnammal
7.Lakshmiyammal
8.Chinnasamy Gounder
9.Vadivel
10.Ramasamy Gounder
11.Chandrasekaran @ Chandrasekar
12.Jagadeeswaran
13.Gunasekaran
14.Priya
15.Nandakumar
16.Saravana Karthikeyan
17.Eswaran
18.Saminatha Gounder
19.Palanisamy
20.Govindasamy
21.Subburaya Gounder

... Petitioners

Vs.

1.Union of India,
Represented by :- The Secretary,
Ministry of Law and Justice,
4th Floor, A Wing, Shastri Bhawan,
New Delhi – 110 001.



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2. Union of India,
Represented by :- The Secretary,
Ministry of New and Renewable Energy,
Block-14, CGO Complex,
Lodhi Road, New Delhi – 110 003.
3. Central Electricity Authority,
Ministry of Power,
Government of India,
Represented by :- The Chairperson,
Sewa Bhawan, R.K.Puram,
New Delhi – 110 066.
4. Government of Tamil Nadu,
Represented by :-
The Principal Secretary to the Government,
Energy Department,
Fort St.George, Chennai – 600 009.
5. TANTRANSO,
Represented by :-
The Chairman,
10th Floor, NPKKR Maligai,
144, Anna Salai, Chennai – 600 002.
6. The District Collector,
Tiruppur District, Tiruppur.
7. The Superintendent Engineer,
General Construction Circle, TANTRANSO,
Dr.Subbarayan Road,
Tatabad, Coimbatore – 12.
8. Government of Tamil Nadu,
Represented by :-
The Principal Secretary to the Government,



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Industries Department,
Fort St.George, Chennai – 600 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the Records of the Impugned Guidelines of the 2nd and 3rd Respondents in “No.3/7/2015-Trans-Guidelines for payment of compensation towards damages in regard to Right of way for transmission lines, dated 15.10.2015” and its subsequent Impugned GOs in “G.O.(Ms)No.63. Energy (A1) Department, dated 22.11.2017” and “G.O.(Ms)No.86. Energy (A1) Department, dated 30.10.2019” of the 4th Respondent and quash the same and call for the Records of the Impugned Orders of the 6th Respondent in Na.Ka.15582/2019/E1 (Dt.29.07.2019) (pertaining to 1st Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 2nd Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 3rd Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 4th Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 5th Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 6th Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 7th Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 8th Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 9th Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 10th Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 11th Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 12th Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 13th Petitioner), Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 14th Petitioner),



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Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 15th Petitioner),
Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 16th Petitioner),
Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 17th Petitioner),
Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 18th Petitioner),
Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 19th Petitioner),
Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 20th Petitioner) and
Na.Ka.15582/2018/C1 (Dt.09.11.2019) (pertaining to 21st Petitioner) and
quash the same and consequently, directing the respondents to strictly
follow the prescribed legal provisions that of Compensation for “any
damages” as per Section 10(d) of the Indian Telegraph Act, 1885, along
with the applicable provisions relating to Compensation, Rehabilitation and
Resettlement of “The Right to Fair Compensation and Transparency in
Land Acquisition, Rehabilitation and Resettlement Act, 2013”, such as,

i) Passing of award u/s 23 of the “RFCTLARR Act” after giving
proper & reasonable opportunity of hearing to the petitioners,

ii) Determination of Market Value of the Land u/s 26 of the
“RFCTLARR Act” i.e. 10 times that of the Guideline Value, as determined
in similar “Right of Way” Acquisition Project namely, Irugur-Devanagonthi
Pipeline (IDPL) Project of Bharat Petroleum Corporation Ltd., which is
presently being implemented in the State of Tamil Nadu under the
provisions of the “The Petroleum & Minerals Pipelines (Acquisition of
Right of User in Land) Act”,

iii) Determination of Market Value of the Building & other
Immovable Assets, value of the Trees, Plants & Standing Crops, such as,
Residential Houses, Buildings, Factories, Poultry Farms, Sheds, Wells,



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Borewells, etc., which beneath the Transmission Lines & in the entire Right of Way Corridor as per Section 29 of the “RFCTLARR Act”,

iv) Section 30 of the “RFCTLARR Act”: Imposition of “Solatium” amount equivalent to one hundred percent of the compensation amount,

v) and an additional interest amount at the rate of 12% per annum u/s 30(3) of the “RFCTLARR Act”

in implementing the Power Transmission Project of the 4th and 6th respondents namely “Palladam to Kurukathi 230 kV Line” pertaining to the petitioner.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.S.Janarthanan
SPCGSC [R1 to R3]
Mr.V.Manoharan
Additional Government Pleader
[R4, R6 & R8]
Mr.D.R.Arun Kumar [R5 & R7]
Standing Counsel

ORDER

When the matter was taken up for hearing, the learned counsel appearing for the petitioner sought permission of this Court to withdraw the Writ Petition. An Endorsement to the said effect is also made by the learned counsel for the petitioner in the Petition today.



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2. Recording the submission of the learned counsel appearing for the petitioner, this Writ Petition is dismissed as withdrawn. No Costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order / Non-speaking order
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To

- 1.The Secretary,
Ministry of Law and Justice,
4th Floor, A Wing, Shastri Bhawan,
New Delhi – 110 001.
- 2.The Secretary,
Ministry of New and Renewable Energy,
Block-14, CGO Complex,
Lodhi Road, New Delhi – 110 003.
- 3.The Chairperson,
Central Electricity Authority,
Ministry of Power,
Sewa Bhawan, R.K.Puram,
New Delhi – 110 066.
- 4.The Principal Secretary to the Government,
Energy Department,
Fort St.George, Chennai – 600 009.



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5. The Chairman,
TANTRANSCO,
10th Floor, NPKKR Maligai,
144, Anna Salai, Chennai – 600 002.
6. The District Collector,
Tiruppur District, Tiruppur.
7. The Superintendent Engineer,
General Construction Circle, TANTRANSCO,
Dr. Subbarayan Road,
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M.DHANDAPANI, J.

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