



WP(MD)Nos.12906, 12907 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.12906, 12907 of 2016
and
WMP(MD)Nos.9732, 9733 of 2016

Vellaichamy

.. Petitioner in both WPs

v.

- 1.State of Tamil Nadu, Rep. by
Secretary to Government,
Department of Electricity,
Fort St.George,
Chennai – 9.
- 2.The Tamil Nadu Electricity Board,
Anna Salai, Chennai.
Rep. by its Chairman
- 3.The Assistant Executive Engineer,
High Tension Line Construction – I,
Tamil Nadu Electricity Board,
K.Pudur, Madurai – 7.
- 4.The District Collector,
Virudhunagar District,
Virudhunagar.



WP(MD)Nos.12906, 12907 of 2016

5.The Government of India,
Rep. by Secretary to Government,
Ministry of Power,
New Delhi – 110 001.

.. Respondents in WP(MD)12906/2016

1.State of Tamil Nadu, Rep. by
Secretary to Government,
Department of Electricity,
Fort St.George,
Chennai – 9.

2.The Tamil Nadu Electricity Generation and Distribution Corporation,
Anna Salai, Chennai.
Rep. by its Chairman

3.The Assistant Executive Engineer,
High Tension Line Construction – I,
Tamil Nadu Electricity Board,
K.Pudur, Madurai – 7.

4.The Executive Engineer,
Aruppukottai Distribution Circle,
Tamil Nadu Electricity Generation and Distribution Corporation,
TANGEDCO,
Virudhunagar District.

.. Respondents in WP(MD)12907/2016

PRAYER in WP(MD)12906/2016: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the fourth respondent in Moo.Mu/C3/7990/15-4 dated 24.07.2015, quash the same



WP(MD)Nos.12906, 12907 of 2016

and consequently, directing the respondents 1 to 4 to pay compensation at the present market value for the 80% of land actually suffered and excluded as per the Municipal Building Construction Rules, in view of the construction of 110 KV High Tension Electricity Tower, Transmission lines and two Iron Cross bar pillars and 8 stay wires by the respondents 1 to 3 in the petitioner's property of 1 Acre 9 Cents (0.44.0 Hectares) comprised in S.No.135/19A, 2V of Kadamabkulam Village, Kariapatti Taluk, Virudhunagar District.

PRAYER in WP(MD)12907/2016: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the fourth respondent to grant agricultural electricity service connection as per the petitioner's application in Reg.No.135/13-14 dated 19.12.2013 to the petitioner's agricultural land within a stipulated time limit.



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WP(MD)Nos.12906, 12907 of 2016

For Petitioner : Mr.C.Dhanaseelan
in both WPs

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel
for R.1 to R.3 in WP(MD)12906/2016
for R.1 to R.4 in WP(MD)12907/2016

Mr.G.Suriya Ananth,
Additional Government Pleader
for R.4 in WP(MD)12906/2016

Mr.C.Nandagopal,
Central Government Standing Counsel
for R.5 in WP(MD)12906/2016

COMMON ORDER

The respondent Board has erected High Tension Electricity Tower, Transmission Line, two Iron Cross Bar Pillars and 8 stay wires in the petitioner's property to an extent of 1 Acre 9 Cents in S.No.135/19A, 2V of Kadamabamkulam Village, Kariapatti Taluk, Virudhunagar District, in the year 1999. The petitioner has made two requests. One for compensation for laying the lines in his property and another for a free electricity service connection for his agricultural land. The request for compensation was



WP(MD)Nos.12906, 12907 of 2016

rejected by the District Collector holding that the petitioner is not entitled for. The other request for free electricity connection was also not considered. Therefore, the petitioner has filed the present writ petitions.

2.Learned Counsel for the petitioner submitted that in view of the towers, the usage of the entire extent of the land has been affected and the petitioner is not in a position to use his property. Therefore, the respondents ought to have provided compensation for laying the poles and also as a compensatory measure, they should consider for free electricity service connection to his agricultural lands.

3.Learned Standing Counsel for the Board submitted that these lines are meant for sub-stations and these lines have been established in the year 1999 and as such, it cannot be shifted. The petitioner's request for compensation has already been rejected by the District Collector, the competent authority under the Telegraph Act, that no damage has been caused to the crops.



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4. With regard to the second request of the petitioner for allotment of free electricity service connection for the agricultural lands, learned Standing Counsel submitted that the petitioner has made his application only in the year 2013 and that it would be considered on seniority basis. He further submitted that it may be considered within a period of one year.

5. This Court considered the rival submissions made on either side and perused the available materials.

6. Admittedly, 2 High Tension Transmission Lines were erected in the petitioner's agricultural land for taking the lines to the sub-stations. Therefore, the petitioner is entitled for compensation as per G.O.Ms.No.86, Energy (A1) Department, dated 30.10.2019. The justification of the District Collector that the crops are not affected in view of the lines drawn on the petitioner's land may not be correct. The petitioner is an Agriculturist and he cannot plant any crops beneath the lines passing through his agricultural lands. Therefore, the usage of the petitioner's



WP(MD)Nos.12906, 12907 of 2016

agricultural lands would certainly be minimised and it needs to be compensated by the Board.

7. Therefore, WP(MD)No.12906 of 2016 is allowed with a direction to the District Collector to reconsider the case of the petitioner for compensation, in the light of G.O.Ms.No.86, Energy (A1) Department, dated 30.10.2019.

8. The petitioner has also made a request for agricultural service connection. His application was made in the year 2013. The respondents Board claim that this application would be considered only on seniority basis. This Court is not inclined to accept the same. Since the respondents Board has utilized some portion of the petitioner's property for the purpose of developing their sub-station, the respondents Board shall consider the case of the petitioner on priority basis. Therefore, WP(MD)No.12907 of 2016 is allowed and the fourth respondent is directed to consider the case of the petitioner for granting the agricultural service connection within a period of six months from the date of receipt of a copy of this order.



WP(MD)Nos.12906, 12907 of 2016

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
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06.10.2023

To

The District Collector,
Virudhunagar District,
Virudhunagar.



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WP(MD)Nos.12906, 12907 of 2016

B.PUGALENDHI, J.

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WP(MD)Nos.12906, 12907 of 2016

06.10.2023