



W.P(MD)No.29418 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29418 of 2023

and

W.M.P.(MD)No.25376 of 2023

Chellamuthu

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Executive Engineer,
(Transmission Line Construction
General Construction Circle),
TANGEDCO, K.Pudur,
Madurai – 625 007.

2.The Assistant Executive Engineer,
(Transmission Line Construction),
TANGEDCO, Kurumbapatti,
Meenakshi Naickenpatti,
Dindigul – 624 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents, their subordinates or anyone claiming right under them from



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erecting high tension electricity towers and electricity lines through the petitioner's lands in Survey No.111 with an extent of 5.21 acres and in Survey No.112/2 with an extent of 1.95 acres situated at Poosaripatti Village, Palani Taluk, Dindigul District without following due process of law.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.M.Sidharthan,
Addl. Government Pleader for R1.
Mr.S.Deenadhayan,
Standing Counsel for R2 & R3.

ORDER

Heard the learned counsel on either side.

2.The TANTRANSCO proposes to draw high tension electricity lines over the petition mentioned lands. It is clarified that there is no proposal to erect tower on the petitioner's land. But even drawal of overhead lines will have an adverse impact on the petitioner's rights. The petitioner cannot develop the land situated below the overhead lines. The learned standing counsel for TANTRANSCO states that permission under Section 164 of the Electricity Act, 2003 has already been obtained.



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In such cases, the only right of the petitioner is to get appropriate compensation. The competent authority is directed to quantify the compensation payable to the petitioner after hearing the petitioner and pay the same within a period of eight weeks from the date of drawl of overhead lines. The petitioner can receive the same and move jurisdictional District Court for enhancement of compensation. The right of the petitioner to get compensation is recognized. The quantum alone is left open. That is for determination initially by the competent authority and thereafter by the District Court.

3.This writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

19.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The District Collector,
Dindigul District.

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G.R.SWAMINATHAN, J.

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