



WEB COPY



W.P.No.4086 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.4086 of 2021

and

W.M.P.No.4656 of 2021

C.Venkatesan

rep. by his Power agent

V.Karthikeyan

Site No.4, GRG Chandra Gandhi Nagar,

Peelamedu,

Coimbatore - 641 028.

... Petitioner

vs.

1. The District Collector cum Magistrate,
Collectorate,
Coimbatore & District - 641 018

2. The Executive Engineer Operations,
TANTRANSCO Operations,
Thudiyalur,
Coimbatore District.

3. The District Revenue Officer,
Coimbatore (South),
Coimbatore District.

..Respondents.

Prayer in W.P. : Writ Petition filed under Article 226 of the constitution

to issue a Writ of Certiorarified Mandamus to call for the records
pertaining to the order in 1252/2020/E2 dated 16.06.2020 passed by the

1st respondent and quash the same as illegal and arbitrary and



consequently forbearing the 2nd respondent from continuing the works for electricity lines passing through the house of the petitioner.

For Petitioner : Mr.M.Baskaran
for Mr.S.Udayakumar

For Respondents : R1-Court
Mr.J.Aravind
for Mr.D.R.Arunkumar
Standing Counsel for R2 & R3

ORDER

This writ petition has been filed challenging the order passed by the 1st respondent dated 16.06.2020, by which, the objection raised by the petitioner against the demolition of his building for upgrading the 110 KVA high tension transmission line running through his land, was rejected.

2. The case of of the petitioner is that the 2nd respondent, without any prior notice started laying HT line through the petitioner's plot. Therefore, the petitioner filed W.P.No.33670 of 2019 seeking for a Mandamus to direct the respondents to forbear from upgrading the existing 110 KVA HT transmission line running through the petitioner's plot. The said writ petition was disposed of by directing the respondent



Board to approach the District Collector, Coimbatore, for necessary permission under the Indian Telegraph Act and if such an application is made, the first respondent shall consider the same after notice to the petitioner and pass orders on merits and in accordance with law, within a period of four weeks. Pursuant to the order passed in the said writ petition, the respondent Board made an application before the District Collector, Coimbatore, for necessary permission and the same was granted to proceed with their work, rejecting the claim made by the petitioner. Hence, the present writ petition.

3. When the matter is taken up for hearing today, the learned counsel for the petitioner would state that now the petitioner's building was demolished but no compensation was granted. He would further submit that in similar matter, the Hon'ble Supreme Court had remitted the matter back to the authorities for granting compensation to the petitioners therein. Therefore, this Court may remit back the matter to the authority concerned, for granting compensation to the petitioner in accordance with the judgment passed by the Hon'ble Supreme Court in Civil Appeal No.6961 of 2021 dated 18.11.2021.



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4. The Hon'ble Supreme Court, vide order dated 18.11.2021, had disposed of the Civil Appeal No.6961 of 2021 with the following directions:

a) The submissions recorded by this Court in its order dated 01.07.2021 shall be binding on the appellant, subject to the modification that instead of “300 per cent more compensation”, the appellant shall pay “500 per cent more compensation” to the affected parties.

b) Let the issue of compensation be determined by the concerned authority in accordance with law.

c) The concerned authority (14th respondent) shall do well to dispose of the matter in that behalf as early as possible and preferably within two months from today.

d) As and when such compensation is determined, the appellant shall pay 500 per cent more compensation to the affected parties within six weeks.

e) The other undertakings recorded in the form of submissions recorded (b) and (c) in the order dated 01.07.2021 shall be scrupulously observed.

With these observations, the appeal stands



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allowed, the order passed by the Division bench of the High Court is set aside and that passed by the Single Judge, subject to the aforesaid modification, stands restored. There will be no order as to costs.

5. Though the petitioner had filed this writ petition seeking to quash the order passed by the 1st respondent, in view of the subsequent developments and in view of the above submission made by the learned counsel for the petitioner, this Court is of the view that the prayer sought for by the petitioner cannot be considered, however, it would be appropriate to direct the petitioner to make a representation to the concerned authority seeking compensation in accordance with the aforesaid judgment passed by the Hon'ble Supreme Court.

6. Therefore, this Court directs the petitioner to sent a representation to the respondents, seeking compensation, within a period of one week from the date of receipt of a copy of this order. On receipt of the representation from the petitioner, the respondents shall pass orders on the same on merits and in accordance with law, after giving an opportunity of hearing to the petitioner and in the light of judgment passed by the Hon'ble Supreme Court in Civil Appeal No.6961 of 2021



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dated 18.11.2021, within a period of eight weeks therefrom and
communicate the decision taken to the petitioner.

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7. The Writ Petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

18.03.2024

Index :yes/No
Speaking /Non speaking order
vsi

To

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J.NISHA BANU, J.

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