



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.14997 of 2021

C.M.Vijayalakshmi

... Petitioner

Vs.

- 1.The Secretary to the Government,
State Secretariat,
Chennai.
- 2.The District Collector,
Chengelpet District,
Chengelpet.
- 3.The Superintendent Engineer,
General Construction Division-I,
A-10, Thiru.Vi.Ka.Industrial Estate,
Guindy,
Chennai – 600 032.
- 4.The Executive Engineer,
General Construction Division-I,
A-10, Thiru.Vi.Ka.Industrial Estate,
Guindy,
Chennai – 600 032.
- 5.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Office of the Assistant Executive Engineer,
Transmission Line Construction,
Maraimalai Nagar – 603 209.

... Respondents



W.P.No.14997 of 2

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 31.03.2018, 18.01.2021 and pass necessary order and issue for proper compensation for the land acquired in the petitioner's land in S.No.220/2 situated at Valla Village, Chengalpet Taluk, Kanchipuram District.

For Petitioner	: Mr.R.Harinath
For R1&R2	: No appearance
For R3 to R5	: Mr.D.R.Arunkumar Standing Counsel for TANGEDCO

ORDER

The writ of mandamus has been instituted to direct the respondents to pay compensation to the petitioner, by considering her representations dated 31.03.2018 and 18.01.2021, for acquiring the land belonging to the petitioner situated in S.No.220/2, Valla Village, Chengalpet Taluk, Kanchipuram District.

2. Learned Counsel for the petitioner, Mr.R.Harinath would submit that the respondents have erected the High Tension Electricity



Towers in the land belonging to the petitioner. Though the land was acquired for erection of Electricity tower, the respondents have not settled the compensation as per the provisions of the Act. In this regard, the petitioner has submitted a representation to the District Collector under the provisions of the Telegraph Act and the said representation was not considered. Thus, the present writ petition came to be instituted.

3. Right to property is a Constitutional right under Article 300-A of the Constitution of India. Property right can be deprived only by the Authority of law. Thus, acquisition of land requires payment of compensation without causing undue delay. Once the lands are acquired for public purposes, the respondents are bound to pay the compensation in accordance with the provisions of the statutes. As far as the erection of high tension electricity tower is concerned, owners of the land are entitled for compensation. Therefore, the said right cannot be denied. Learned Counsel for the petitioner further states that the erection of tower has already been completed.



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4. That being the factum, the respondents are directed to settle the compensation to the petitioner, as applicable under the provisions of the Act along with admissible interest within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands allowed. No costs.

08.02.2024

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

To

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S.M.SUBRAMANIAM, J.



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W.P.No.14997 of 2



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