



W.A.(MD)No.1057 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A.(MD)No.1057 of 2025

and

C.M.P.(MD)No.6730 of 2025

Palanichamy

... Appellant

-Vs-

- 1.The Superintending Engineer,
General Construction Circle,
Transmission Line Construction,
TANGEDCO, K.Pudur, Madurai.
- 2.The Superintending Engineer,
Wind Farm Project,
TANGEDCO, Tirunelveli.
- 3.The Executive Engineer,
Wind Farm Project,
TANTRANSCO, Tirunelveli.
- 4.The Executive Engineer,
Wind Farm Project,
TANGEDCO, Tirunelveli.
- 5.The District Collector,
Tuticorin District, Tuticorin.

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6.M/s.Everrenew Energy Private Limited,
Aneja Towers, 2nd Floor,
Industrial Estate, Perungudi,
Chennai-600 096.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 16.12.2024 made in W.P.(MD)No.22239 of 2024 on the file of this Court.

For Appellant : Mr.M.Karthikeya Venkitachalopathy
For R1 to R4 : Mr.S.Deenadhayalan,
Standing Counsel
For R5 : Mrs.D.Farjana Ghoushia,
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **S.SRIMATHY, J.**]

This Writ Appeal is directed against the order dated 16.12.2024 made in W.P.(MD)No.22239 of 2024.

2.The appellant / writ petitioner has filed the said Writ Petition to forbear the respondents 1 to 4 from granting the order for commissioning wind mill in favour of the 6th respondent to transmit electricity through the High Tension electric tower and overhead lines over the petitioner's lands situated in S.No.149/4B at Virusampatti Village, S.No.419/2 at Melamanthai Village, S.Nos.

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237/15 and 238/1C at Thathaneri Village and S.No.117/3 at Nedungulam Village situated at Vilathikulam Taluk, Thoothukudi District.

3.The Writ Court, after hearing both sides, dismissed the said Writ Petition, holding that the respondents 1 to 4 have already approved the project and the same is in operation, therefore, the prayer sought for in the Writ Petition has become infructuous. Challenging the same, the writ petitioner has filed this Writ Appeal.

4.Heard the learned counsel on either side and perused the materials available on record.

5.Admittedly, the writ petitioner is the owner of the lands in question. According to him, TANTRANSCO has erected High Tension Tower without any prior permission from the land owner. The said contention cannot be accepted.

6.The TANTRANSCO is the appropriate authority to erect High Tension Towers and TANTRANSCO is conferred with power under the Telegraphic Act, 1885. Under Telegraphic Act, the TANTRANSCO has power to erect High Tension Tower. However, the writ petitioner is entitled to compensation, which



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has to be quantified by the 5th respondent. Therefore, the writ petitioner is directed to approach the 5th respondent and submit an application within a period of two weeks from the date of receipt of a copy of this order. The 5th respondent shall consider the applicable compensation to the writ petitioner and pass orders within a period of eight weeks therefrom. The rest of the order passed by the Writ Court shall stand confirmed.

6. With the above modification, this Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
25.04.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The Superintending Engineer,
General Construction Circle,
Transmission Line Construction,
TANGEDCO, K.Pudur, Madurai.
2. The Superintending Engineer,
Wind Farm Project,
TANGEDCO, Tirunelveli.

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3.The Executive Engineer,
Wind Farm Project,
TANTRANSCO, Tirunelveli.

4.The Executive Engineer,
Wind Farm Project,
TANGEDCO, Tirunelveli.

5.The District Collector,
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