

W.P.(MD).No.30839 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.30839 of 2023

and

W.M.P.(MD)No.26501 of 2023

1.R.Mariappan (Died)

2.M.Rajendran

... Petitioner

(2nd petitioner is impleaded vide Court order dated 17.04.2024 made in W.M.P.(MD)No.7835 of 2024 in W.P.(MD)No.30839 of 2023)

Vs.

1.Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Local Administration Department,
Fort St. George,
Tamilnadu.

2.The TANGEDCO,
Rep. by its Chairman,
NPKKR Maligai, Electricity Avenue,
No.144, Anna Salai,
Chennai – 600 002.

3.The District Collector,
Dindigul Collector Office,
Dindigul District.

4.The Superintendent of Engineer,
TANGEDCO Office,
Dindigul District.



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5.The Superintending Engineer,
Non - Conventional Energy Source Department,
Udumalaipet, Tiruppur District.

6.The Executive Officer,
Palayam Town - Panchayath,
Dindigul District.

7.DVN Energy Solution Private Limited,
Through its Managing Director Dinesh,
3/138, Vadivel Nagar,
Andan Koil East,
Karur District.

8.Chatrapatti Solar Park Private Limited,
Rep. by its Managing Director,
Chatrapatti Village, Kottanatham,
Guziliamparai,
Dindigul District.

9.Simens Gamesa Renewable Power
Private Limited,
Redhills, Rep by its Managing Director,
Chennai – 600052.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 6 or competent authority to remove the Electric High transmission tower from the petitioner's agriculture land in Survey No.1012/16 at Palayam village based on the petitioner's representation dated 04.12.2023 to the respondents 3 and 4 within the stipulated period as fixed by this Court.

For Petitioner

: Mr.S.Arunnithy



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For R-1, R-3 & R-6 : Mr.D.S.Neduncheliyan,
Government Advocate

For R-2, R-4 & R-5 : Mr.S.Deenadhayalan,
Standing counsel

For R-9 : Mr.Adarsh,
For Mr.Anand Chandrasekar

For R-7 & R-8 : No appearance

ORDER

This writ petition is filed seeking to direct the respondents 1 to 6 to remove the electric high transmission tower from the petitioner's agricultural land in survey No.1012/16 at Palayam village based on the petitioner's representation dated 04.12.2023 addressed to the respondents 3 and 4.

2.The writ petitioner is the owner in title and possession of the agricultural land in survey No.1012/16 situated at Palayam village. The 9th respondent company men came to the petitioner's agricultural land and erected electric high transmission tower in the year 2016 and it was informed that the project has been carried out on behalf of the second respondent. Despite the best efforts taken by the petitioner preventing the 9th respondent from installing the same, the petitioner could not succeed.



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Hence, the petitioner gave representation before the 3rd and 4th respondents on 04.12.2023 to remove the electric high transmission tower erected in the petitioner's agricultural land elaborating the illegal act of the respondents 7 to 9 which drastically affects the agricultural work in the land, posing danger to the human life. However, the same is not considered and hence this writ petition came to be filed.

3. When the matter came up for hearing the learned counsel appearing for the 9th respondent on the basis of the counter affidavit filed by the 9th respondent submitted that the 9th respondent is a company incorporated under the provisions of Companies Act, which was formerly known as M/s. Simens Gamesa Renewable Power Pvt. Ltd., and the said company involved in the business of providing extensive range of wind turbine technologies to cover all wind classes and site conditions. The 2nd respondent had issued two letter of awards to the 9th respondent on 30.12.2015 and 01.03.2016 and the said letter of award was issued for erection of 110KV SC Line on DC Tower from Palayam substation to Palayam TNEB substation covering approximately 14.4 kilometers with a total of 54 towers. For carrying out the said works, the 9th respondent had engaged a subcontractor, namely, Mohan Power Infrastructure Pvt. Ltd.,



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and executed the 110 KV SC Line Construction agreement on 28.12.2015 and accordingly he was required to supply, construct, erect, install, test, commission and hand-over the EHV Line including the Government approvals, non-Government approvals as per the 2nd respondent and TANTRANSCO standard specifications provided in the said agreement. As per the said agreement, the subcontractor was mandated to obtain the right of way (ROW), that is, the easementary right / usage right in relation to the land required for installation and commissioning of electrical lines as per Clause-IV of the said agreement. The 9th respondent will pay ROW and crop compensation to the subcontractor as provided there under and the subcontractor in turn would pay the same to the land owners across whose lands the aforesaid project is likely to be commissioned. Accordingly, the 9th respondent has already made payment to his subcontractor and the subcontractor has duly paid the land owners with appropriate compensation and hence pressed for dismissal of the writ petition.

4.Vehemently refuting the submissions made by the learned counsel for the 9th respondent, the learned counsel for the petitioner submitted that the petitioner herein was not paid with any compensation. For which a paper book has been filed by the 9th respondent before this Court which



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would reveal that the subcontractor had entered into a valuation statement of damages done on the crops, land, etc., on transmission line with each and every landowner, in which the respective land owners have agreed for certain compensation to be received by them from the subcontractor of the 9th respondent on the basis of the assessed value assessed by the assessing officer, an amount has been agreed by their respective land owners and thereafter they have been paid with the said compensation by bank payment and a bank payment voucher has been vouched by each of the land owners and the bank payment voucher and the valuation statement of the 9th respondents subcontractor has been placed before me.

5.I carefully perused the same. There are a lot of indiscrepancies between the valuation statement of damages done and the bank payment voucher produced by the 9th respondent. Even the signatures in many cases do not tally and in one case a voucher was produced without signature. In view of the same, I made it clear to the counsel for the 9th respondent requiring him to produce the bank transaction which would reveal the respective amount which has been credited to the account of the land owners on payment by demand drafts / bank cheques. The case was posted today specifically for the said purpose. However, without submitting the



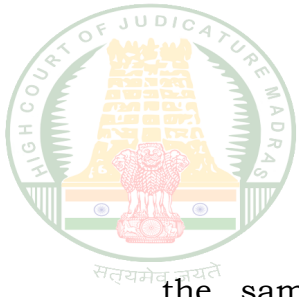
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same, the learned counsel for the 9th respondent submitted that the way out for the petitioner is to resort to the District Collector Under Section 17 of the Indian Telegraph Act, 1885.

6.The learned counsel for the 2nd respondent corporation Mr.S.Deenadhayalan also conceded with the submission made by the 9th respondent's counsel that the only way out which is left out for the aggrieved agricultural land owners is to go before the appropriate authority seeking appropriate damages if they have not received as per the submission made by the counsel for the petitioner. Accordingly, the third respondent is directed to exercise the powers conferred by the Indian Telegraph Act, 1885, under Section 17 and consider the petitioner's representation dated 04.12.2023 as a dispute raised for compensation under Section 16 of the Indian Telegraph Act, 1885. However, at this point of time, the learned Government Advocate appearing for the 3rd respondent Mr.D.S.Neduncheliyan fairly submitted that the petitioner may be directed to give a fresh representation.

7.In view of the same, the petitioner is hereby directed to make a fresh application in this regard to the third respondent forthwith and on receipt of



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the same, the third respondent is directed to take the petitioner's representation as a dispute raised under Section 17 of the Indian Telegraph Act, 1885, for compensation and the third respondent after giving an opportunity of hearing to the 9th respondent, his subcontractor, namely, Mohan Power Infrastructure Private Limited and the petitioner, pass appropriate orders granting rightful compensation to which the petitioner is entitled to if she is otherwise eligible. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

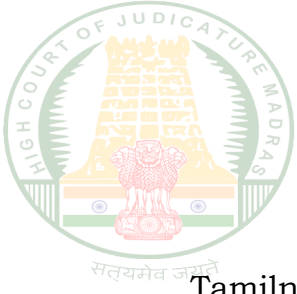
8. Accordingly, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

30.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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Rep. by Principal Secretary to Government,
Local Administration Department,
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