

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )

Monday, the Eighteenth day of January Two Thousand and Twenty One

PRESENT

**The Hon'ble The CHIEF JUSTICE  
and  
The Hon'ble Mr. Justice M.M.SUNDRESH**

WP (MD) No.18308 of 2020

and

WMP (MD) No.15297 of 2020

NETHAJI

... PETITIONER

**Vs**

- 1 UNION OF INDIA,  
REP. BY ITS THE SECRETARY,  
MINISTRY OF ENVIRONMENT,  
FOREST AND CLIMATE CHANGE,  
INDIRA PARYAVARAN BHAVAN,  
JORBAGH ROAD,  
NEW DELHI-110 003
- 2 UNION OF INDIA,  
REP. BY ITS THE SECRETARY,  
MINISTRY OF NEW AND RENEWABLE ENERGY,  
BLOCK-14, CGO COMPLEX, LODHI ROAD,  
NEW DELHI-110 003
- 3 CENTRAL ELECTRICITY AUTHORITY,  
REP. BY ITS THE CHAIRPERSON,  
SEWA BHAVAN, R.K.PURAM,  
SECTOR-1, NEW DELHI-110 066
- 4 THE STATE OF TAMIL NADU,  
REP. BY ITS THE PRINCIPAL SECRETARY TO GOVERNMENT,  
DEPARTMENT OF ENERGY,  
FORT ST. GEORGE, CHENNAI-600 009
- 5 TAMIL NADU POLLUTION CONTROL BOARD,  
REP. BY ITS THE CHARIMAN,  
76, MOUNT ROAD, GUINDY,  
CHENNAI-600 032
- 6 TANTRANSKO,  
REP. BY ITS THE CHAIRMAN,  
10TH FLOOR, NPKRR MAALIGAI,  
144, ANNA SALAI, CHENNAI-600 002

7 THE DISTRICT COLLECTOR,  
VIRUDHUNAGAR DISTRICT, VIRUDHUNAGAR.

8 THE DISTRICT COLLECTOR,  
MADURAI DISTRICT, MADURAI.

9 THE DISTRICT COLLECTOR,  
DINDIGUL DISTRICT, DINDIGUL.

10 THE DISTRICT COLLECTOR,  
TIRUPPUR DISTRICT, TIRUPPUR.

11 THE SUPERINTENDENT ENGINEER,  
GENERAL CONSTRUCTION CIRCLE,  
TANTRANSO, DR.SUBBARAYAN ROAD,  
TATABAD, COIMBATORE-641 012

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Certiorari, call for the records of the impugned "G.O.Ms.No.35 Energy (A1) Department" dated 24.05.2019 passed by the 4<sup>th</sup> respondent and quash the same in respect of the project viz., "765 kv DC Line from Virudhunagar to Coimbatore (Annexure-I Sl.No.46)".

**Prayer in WMP(MD)No.15297/2020 :**

To pass an order to stay the Operations of the Impugned "G.O.Ms.No.35 Energy (A1) Department" dated 24.05.2019 passed by the 4<sup>th</sup> respondent in respect of the project viz., "765 kv DC Line from Virudhunagar to Coimbatore (Annexure-I Sl.No.46)" till the disposal of this Writ Petition.

**ORDER :** This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.D.GURUSAMY, Advocate for the petitioner and of Mr.M.Karthikeya Venkatachalam, Central Government Standing Counsel for Respondents 1 to 3, Mr.M.Muthugeethaiyan, Special Government Pleader for Respondents 4, 7 to 10, Mr.C.KASIRAJAN, Advocate for 5<sup>th</sup> Respondent and Mrs.S.Srimathy, Special Government Pleader for Respondents 6 and 11, the Court made the following order:-

**[Order of the Court was made by The Hon'ble CHIEF JUSTICE]**

Issue notice. Let a copy of the petition be forwarded to the Head of the Electrical and Mechanical Departments in the Indian Institute of Technology, Chennai, for such body to be represented on the virtual mode when the matter appears next.

2. Issue notice to the State. Copies of the petition and this order to be reached to the Office of learned Advocate General in Chennai.

3. The petitioner raises an important issue as to how transmission lines should be designed so as not to disturb agricultural lands or render large tracts of agricultural fields uncultivable.

4. It is submitted on behalf of an intervenor that a writ petition has been filed before the Single Bench raising the same issue and such matter also pertains to the compensation due to the petitioner. Such petition, W.P.(MD) No.4715 of 2020, will appear along with this writ petition and will be taken up and disposed of by the Bench taking up this petition.

5. It is expected that the State or the appropriate authorities would take the lines of least resistance while choosing the routes of the transmission lines. It is possible that towers have to be set up on agricultural lands, but the route should be so planned so that there is a least displacement of farmers or disturbance to the agricultural lands while keeping the costs of transmission also in mind. It is not unknown for transmission lines to take a defour at times from straight lines so as to save the fertile lands from being affected.

6. The petitioner also speaks of the electromagnetic emission from transmission lines that may have an adverse effect on crop production and even human health. Such aspects of the matter may be considered by the Indian Institute of Technology in its report. At present, it appears to be far-fetched to seek transmission lines to be carried underground, particularly, since that could involve huge expenses and, in any event, for such lines to be carried underground, there may be even more disruption in the agricultural activities undertaken, unless the jack-pushing method or boring method, on a limited scale, can be resorted to upon a scientific study being conducted in such regard.

7. The matter will appear on 15.02.2021 along with the aforesaid writ petition now pending before the Single Bench.

sd/-

18/01/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy shall be the responsibility of the advocate / litigant concerned.

TO

1 THE SECRETARY,  
UNION OF INDIA,  
MINISTRY OF ENVIRONMENT,  
FOREST AND CLIMATE CHANGE,  
INDIRA PARYAVARAN BHAVAN,  
JORBAGH ROAD, NEW DELHI-110 003

2 THE SECRETARY,  
UNION OF INDIA,  
MINISTRY OF NEW AND RENEWABLE ENERGY,  
BLOCK-14, CGO COMPLEX, LODHI ROAD,  
NEW DELHI-110 003

3 THE CHAIRPERSON,  
CENTRAL ELECTRICITY AUTHORITY,  
SEWA BHAVAN, R.K.PURAM,  
SECTOR-1, NEW DELHI-110 066

4 THE PRINCIPAL SECRETARY TO GOVERNMENT,  
STATE OF TAMIL NADU,  
DEPARTMENT OF ENERGY,  
FORT ST. GEORGE, CHENNAI-600 009

5 THE CHAIRMAN, TANTRANSO,  
10TH FLOOR, NPKRR MAALIGAI,  
144, ANNA SALAI, CHENNAI-600 002

6 THE DISTRICT COLLECTOR,  
VIRUDHUNAGAR DISTRICT,  
VIRUDHUNAGAR.

7 THE DISTRICT COLLECTOR,  
MADURAI DISTRICT, MADURAI.

8 THE DISTRICT COLLECTOR,  
DINDIGUL DISTRICT, DINDIGUL.

9 THE DISTRICT COLLECTOR,  
TIRUPPUR DISTRICT, TIRUPPUR.

10 THE SUPERINTENDENT ENGINEER,  
GENERAL CONSTRUCTION CIRCLE,  
TANTRANSO, DR.SUBBARAYAN ROAD,  
TATABAD, COIMBATORE-641 012

ORDER IN

WP(MD) No.18308 of 2020 and

WMP(MD)No.15297 of 2020

Date :18/01/2021