



W.P.(MD)No.18341 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18341 of 2021

M.Rafi Ahamood

... Petitioner

-VS-

- 1.The District Collector,
Thoothukudi District, Thoothukudi.
- 2.The Assistant Engineer,
Distribution,
TANGEDCO, Ottanatham,
Thoothukudi District.
- 3.The Assistant Executive Engineer,
Distribution, TANGEDCO, Ottapidaram,
Thoothukudi District.
- 4.The Executive Engineer,
Distribution, TANGEDCO, Thoothukudi.
- 5.The Superintending Engineer,
Distribution, TANGEDCO, Thoothukudi.
- 6.M/s.Suzlon Gujarat Wind Park Ltd.,
SF.No.65/3A, Akkanayakkanpatti Village,
Savalaperi Post, Ottapidaram Taluk,
Thoothukudi District.



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7.M/s.Vestas Wind Technology India Pvt. Ltd.,
3/370, (170) Old Mahabalipuram Road,
Gandhi Nagar,
Thoraipakkam, Tamilnadu - 600 097.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation /objection dated 07.09.2021, seeking to remove the electric poles from the petitioner's land in S.Nos.48/2, 50/2, 50/3, Maniyachi Village, Thoothukudi, in accordance with Section 17 of the Indian Telegraph Act and Rule 3 of the Works of the Licensees Rule, 2006, within the time stipulated by this Court.

For Petitioner	:	Mr.N.Pragalathan
For R1	:	Mr.A.K.Manikkam Special Government Pleader
For R2 to R5	:	Mr.S.Deenadhayalan Standing Counsel
For R6	:	No Appearance
For R7	:	Mr.D.Kirubakaran

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to consider the representation made by the petitioner on 07.09.2021, wherein the petitioner is seeking for removal of the electric poles that were erected in the lands belonging to him.



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2. Heard the learned counsel appearing for the parties.

3. On carefully going through the affidavit filed in support of the Writ Petition, there is not even a mention as to when the erection of the electric poles was undertaken and as to whether any objection was given by the petitioner at the time of erection of the electric poles. The petitioner has merely stated that he is the owner of the subject property and he had given a complaint in the year 2021 against the sixth respondent before the Inspector of Police, Maniyachi Police Station, Thoothukudi. Except for these details, there are absolutely no particulars available in the affidavit filed in support of the Writ Petition.

4. The learned counsel appearing on behalf of the seventh respondent submitted that the electric poles were laid and it was commissioned in the year 2017 itself.

5. In the considered view of this Court, the relief sought for by the petitioner cannot be granted by this Court, at this length of time. The



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petitioner will only be entitled for claiming compensation before the District Collector. Hence, it is left open to the petitioner to claim for compensation before the District Collector and the same shall be considered by the District Collector in the light of the provisions of the Indian Telegraph Act. Except giving this liberty, no further orders can be passed in this Writ Petition.

6. This Writ Petition is disposed of accordingly. No costs.

NCC : Yes/No
Index : Yes/No
smn2

09.11.2023

To

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4.The Executive Engineer,
Distribution, TANGEDCO, Thoothukudi.

5.The Superintending Engineer,
Distribution, TANGEDCO, Thoothukudi.

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N.ANAND VENKATESH, J.

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