



W.P(MD)No.22387 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22387 of 2023

and

W.M.P(MD)No.18654 of 2023

P.Pakiri

... Petitioner

Vs

- 1.The Chief Engineer (Personnel),
144, Anna Salai,
Chennai – 600 002.
- 2.The District Collector,
Tenkasi District,
Tenkasi.
- 3.The Superintending Engineer,
TANGEDCO,
General Construction Circle,
Madurai.
- 4.The Executive Engineer,
TANTRANSCO,
Sevanthipatti Road,
Thiyagaraja Nagar,
Tirunelveli.



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5.The Executive Engineer,
TANGEDCO (Distribution),
Tenkasi.

6.The Assistant Executive Engineer,
TANGEDCO,
Shenkottai,
Tenkasi District.

7.The Assistant Engineer,
TANGEDCO,
Achanpudur,
Tenkasi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents not to lay electrical pathway from Achanpudur 110/11 KV Sub Station to newly launched Shencottai Railway Traction 110 KV Sub Station by erecting high tension towers which is lying on the petitioner's agricultural lands situated in Ayan Nanja S.No.333 to an extent of 0.35.0 Hectare, 86 cents of Parakiramapandiaperikulam Village, Shencottai Taluk, Tenkasi District, on the basis of the petitioner's representation dated 03.07.2023.

For Petitioner :Mr.M.Sankar

For Respondents :Mr.P.T.Thiraviyam
Government Advocate for R.1 & R.2

Mr.S.Deenadhayalan
Standing Counsel for R.3 to R.7



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ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner with a grievance that the respondents are laying the electric pole in the petitioner's agricultural land has filed this writ petition for forbearing the respondents from laying any electric pole in his agricultural land.

3. Mr.S.Deenadhayalan, learned Standing Counsel takes notice for the third respondent and submitted that this towers are laid for the purpose of new project for railway and on this project, out of 40 towers, 18 towers have already been erected and other preliminary works have also been carried out. Under the Telegraphic Act, the first respondent Board is entitled to lay the tower and if the petitioner is having any grievance, he can work out the remedy before the competent authority the District Collector under the Telegraphic Act before for damages if any. He further submitted that the Board is also prepared to pay the compensation as per G.O.Ms.No.86, Energy (A1) Department, dated 30.10.2019.



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4. This Court considered the rival submissions made.

5. The petitioner can work out his remedy before the appropriate authority since towers are laid for the public project and the respondents claims that already work has been executed and 18 towers were laid.

6. The learned Standing Counsel appearing for the third respondent submitted that this petitioner is entitled for compensation as per G.O.Ms.No.86, Energy (A1) Department, dated 30.10.2019.

7. In view of the above, this writ petition is disposed of with liberty to the petitioner to approach the respondents 2 & 3 for compensation as per G.O.Ms.No.86, Energy (A1) Department, dated 30.10.2019. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No.

Index : Yes / No.

Internet: Yes

am

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To

1.The Chief Engineer (Personnel),
144, Anna Salai,
Chennai – 600 002.

2.The District Collector,
Tenkasi District,
Tenkasi.



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B.PUGALENDHI, J.

am

Order made in
W.P(MD)No.22387 of 2023

14.09.2023