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W.P.(MD)NO.24532 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.24532 of 2023 and
W.M.P.(MD)No.20710 of 2023

Dindigul Steel Rolling Mills Private Limited,
No.38, 83-A, Rajapudukudi Post,
Sannathu Pudukudi Village,
Kayathar Panchayat Union,
Kayathar Taluk,
Tuticorin District – 627 352
By its Manager.

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Managing Director,
State Industries Promotion Corporation of
Tamil Nadu Limited(SIPCOT),
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.
3. The Project Officer,
SIPCOT Industrial Park,
Gangaikonan – 627 352,
Tirunelveli District.
4. The Superintending Engineer,
TANGEDCO (Construction),
Anna Building, Thiyagaraja Nagar,
Tirunelveli – 627 011.



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5. The Assistant Executive Engineer,
TANGEDCO (Construction),
Anna Building, Thiagaraja Nagar,
Tirunelveli – 627 011.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1, 4 and 5 from unlawfully erecting or putting up any pole or tower for passing or transmitting any electricity cable or wire through the petitioner's land measuring about 6.94 acres in survey No.1641 pt in plot No.B-63 in the SIPCOT Industrial Park at Gangaikondan Village, Tirunelveli District.

For Petitioner : Mr.K.K.Kannan
For R-1 : Mr.K.Balasubramani,
Special Government Pleader.
For R-2 & R-3 : M.Gangatharan

* * *

ORDER

Heard the learned counsel on either side.

2. The TANGEDCO wants to install 230KV DC tower in survey No.1641 pt. in Gangaikondan Village, Tirunelveli District. The said survey number had been allotted to the writ petitioner. SIPCOT had entered into 99 years lease agreement



with the writ petitioner. Therefore, without the petitioner's consent, TANGEDCO obviously cannot install their towers. Apprehending that the towers may be installed in the petition-mentioned land, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Standing counsel informed the Court that the erection of towers is for the benefit of the allottees in SIPCOT. I therefore called upon the petitioner's counsel to get instructions from his client if the issue can be amicably resolved. The matter was passed over to enable the learned counsel to obtain instructions.

4. I am happy to record that the issue has been amicably resolved. This writ petition stands disposed of in the following terms:-

i) TANGEDCO can erect their towers in the petition-mentioned survey number.

ii) SIPCOT shall allot an alternative plot in favour of the petitioner. B-31, B-32, B-33, B-40 and B-41 are the alternative plots that are contiguous and they measure a total extent of 11



acres. The petitioner can earmark 6.94 acres as a single plot and take the same.

iii) The petitioner will not be made to bear any extra charge and the paper formalities will have to be complied with by respondents 2 and 3 in this regard within a period of twelve weeks from the date of receipt of a copy of this order.

5. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Superintending Engineer,
TANGEDCO (Construction),
Anna Building, Thiyagaraja Nagar,
Tirunelveli – 627 011.
3. The Assistant Executive Engineer,
TANGEDCO (Construction),
Anna Building, Thiyagaraja Nagar,
Tirunelveli – 627 011.



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G.R.SWAMINATHAN,J.

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