

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15647 of 2015

and

M.P.No.1 of 2015

S.K.Srinivasan

.. Petitioner

Versus

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Anna Salai Chennai 2

2 The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Thirutani

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the respondents from putting up any kind of temporary permanent structure or erecting any high tension electric tower/pole in the land in Survey No.4/5 measuring an extent of 1 acre and 89 cents in Athipattu Village Koormavilasapuram Panchayat Thiruvallangadu Panchayat Union Tirutani Taluk Tiruvallur District belonging to the petitioner.

For Petitioner : Mr.S.R.Ragunathan

For Respondents : Mr.P.Gunaraj

Standing Counsel TANGEDCO

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he is the owner of land admeasuring to an extent of 1 Acre and 89 cents, located in S.No.4/5, Athipattu Village, Koormavilasapuram Panchayat, Thiruvallangadu Panchayat Union, Tirutani Taluk, Tiruvallur District and according to him, during the month of May 2015, the officials of the respondents were erecting high tension towers to transmit electricity and according to him, if the tower is located on his land, it would cause serious hardship to him and in this regard, he

submitted a representation dated 26.05.2015 to the respondents and though it was received, the 2nd respondent is proceeding with erection of electric tower/pole and hence, came forward to file this writ petition.

3. Mr.S.R.Raghunathan, learned counsel appearing for the petitioner has drawn the attention of this Court to the judgment rendered by this Court in R.Santhana Raj and another Vs. The Chief Engineer, Non-Conventional Energy Source, Anna Salai, Chennai and 5 Others, reported in 2012 (1) CTC 504, and would submit that unless the respondents apply for permission of District Magistrate under Section 16(1) of the Telegraph Act, 1885, they are not entitled to erect electric poles/towers on the land owned by the petitioner and hence prays for appropriate orders.

4. This Court heard the submissions of Mr.P.Gunaraj, learned standing counsel, who accepts notice for the respondents and on instructions would submit that the official concerned to consider the petitioner's representation is the Superintending Engineer, Kancheepuram Electricity Distribution Circle, Tamil Nadu Generation and Distribution Corporation (TANGEDCO), Kanchipuram District and the present 2nd respondent is not vested with jurisdiction to consider the said representation.

5. Taking into consideration the above said facts and circumstances, this Court, grants liberty to the petitioner to submit a representation in this regard, by enclosing a copy of this order, to the Superintending Engineer, Kancheepuram Electricity Distribution Circle, Tamil Nadu Generation and Distribution Corporation (TANGEDCO), Kanchipuram District, within a period of two weeks from the date of receipt of a copy of this order and the said official on receipt of the said representation is directed to consider the same, on merits and in accordance with law, by taking note of the above said judgement and pass orders within a period of four weeks, thereafter and communicate the decision to the petitioner and till then defer further decision with regard to the erection of electric tower/pole on the petitioner's land.

6. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ars

To

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Anna Salai Chennai 2
- 2 The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Thirutani.

Copy to:-

The Superintending Engineer
Kancheepuram Electircity Distribution Circle
(TANGEDCO)
Kancheepuram District.

- 1 cc to Mr. P.Gunaraj, Advocate, SR.No.26454
1 cc to Mr.S.R.Rajagopal ,Advocate, SR.No.26385/15

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