

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 22-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.17153 OF 2015

K.M.Periyasamy

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Petitioner

-vs-

1. The District Collector,
Salem - 636 001.
2. The Executive Engineer,
Tamil Nadu Electricity Board,
Udayapatty,
Salem District.
3. The Asst.Engineer,
Tamil Nadu Electricity Board,
Valapady TK, Salem Disitric.
4. The Asst.Engineer,
Tamil Nadu Electricity Board,
O&M Division,
Near Pelur Eswaran Koil,
Ayothyapattinam Main Road,
Pelur Post, Valapadi TK,
Salem District-636 104.
5. The Director,
Tamil Nadu Electricity Board,
Power Distribution and Plannaing,
5B Block, 144, Anna Salai,
Chennai-600 002.

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Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus, forbearing the second respondent from proceeding with the work of erecting a tower in the petitioner's land in Survey No.316/3C, as per Patta No.1292, in Kurichi Village, Valapadi Taluk, Salem District, till the completion of the enquiry by the first respondent as per the communication from the second respondent, dated 07.04.2015, in proceedings L.No.SE.PO/ME THOKA/SE/KO.KATTU/PATHIVU/N1092-2/15.

For petitioner : Mr.T.Padmanabhan

For respondent 1 : Mr.V.Subbiah,
Spl.Govt.Pleader.

For respondents 2 to 5: Mr.S.K.Rameshwar

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner would state that he is an Ex-servicemen and owner of the land measuring 0.40 acres in Survey No.316/3C as per Patta No.1292 in Kurichi Village, Valapadi Taluk, Salem District, and he claims to be in possession and enjoyment of the said property. The petitioner would further state that the officials of respondents 2 to 4 have decided to erect high tension tower lines and one such pole is sought to be erected right in the middle of the petitioner's land.

3. The grievance of the petitioner is that in the event of the said pole being erected in his land, his entire agricultural operations would come to a halt. According to him, without conducting a proper enquiry, the respondents 2 to 4 are taking the law into their own hands and interfering with the peaceful possession and enjoyment of the property in question and hence he prays for appropriate orders.

4. Learned counsel for the petitioner has drawn the attention to the materials placed before this Court and would submit that the petitioner, in this regard, has already submitted a detailed representation to the first respondent on 09.06.2015 and since he has not been favoured with any kind of response, he has approached this Court, by filing this Writ Petition.

5. Heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, appearing for the first respondent; and Mr.S.K.Rameshwar, who took notice on behalf of respondents 2 to 5.

6. Learned counsel appearing for respondents 2 to 5, drawing the attention of this Court to the counter affidavit filed by the respondents, would submit that 110 KV Line Scheme was sanctioned and approved by the Government under Master Plan and the said project is for a public purpose to ensure uninterrupted power supply to the area in and around Salem and the said scheme was sanctioned only after preliminary survey and other necessary procedures. It is further stated by the second respondent that the length of the 110 KV line is 4.45 kms. and all the electric poles cannot be accommodated in government lands and, therefore, some of the poles have to be put up necessarily on private lands and one such pole is sought to be erected in the land owned by the petitioner. It is also his case that the alleged agricultural operations carried on by the petitioner in

the land in question will not be affected and long trees up to 12.5 metres would be cut, for which also compensation would be given to the land owners and hence he prays for dismissal of the Writ Petition.

7. This Court, taking into consideration the above facts and circumstances of the case, is of the view that it would suffice to direct the first respondent to consider and dispose of the representation of the petitioner, dated 09.06.2015, in accordance with law within a stipulated time. Therefore, without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner, dated 09.06.2015, in accordance with law, after affording the petitioner an opportunity of personal hearing, and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner and, till such time, respondents 2 to 5 shall defer further action in the matter.

8. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

dixit

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

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+ 1 cc to Mr.S.K.Raameshuwar Advocate SR 30737

+ 1 cc to Govt.Pleader SR 30571

+ 1 cc to Mr.T.Padmanaban, Advocate SR 30670

skv(co)
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W.P.No.17153/2015



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