

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03-9-2015

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.23043 of 2015

A.Sathiyamoorthi

...Petitioner

vs.

1. The Deputy General Manager
Power Grid NM Transmission Ltd.,
Near R.T.O. Driving Test Track
Singanaickanahalli,
Bangalore-560 064.
Karnataka State.
2. The Chief Administrative Officer,
Power Grid Station of India,
K.R.Thoppu,
Salem-636 502.
3. The District Collector-cum-District Magistrate,
Dharmapuri District,
Dharmapuri.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of writ of mandamus forbearing the first and second respondents from erecting HT Electric lines through the petitioner's residential area situated in Survey Nos.123/1A and 122 instead of the sanctioned path runs through agricultural and Poramboke land in Survey Nos.124 & 133/4B situated at Kozhimekkanoor Village, Pappireddipatty Taluk, Dharmapuri District .

For Petitioner : Mr.R.Arundattan

For Respondents : Mr.Jeyesh B Dolia for RR 1 & 2
Mr.V.Jayaprakashnarayanan for R3

ORDER

The petitioner has purchased the plot Nos.12,13,14 and 15 in GRS Nagar, comprised in S.No.123/1A situated at Kazhimekkanoor Village, Pappireddipatty Taluk, Dharmapuri District. The petitioner also constructed terraced houses by raising bank loan. When things stand so, the second respondent constructed a concrete pillar in order to provide power transmission lines in Survey Nos.124 and 133/4B of Kozhimekkanoor Village, Pappireddipatty Taluk, Dharmapuri District.

2. Thereafter, the respondents 1 and 2 changed the path for erecting transmission line from Survey Nos.124 and 133/4B to the Survey Nos.123/1A and 122, which are all residential areas, in which the petitioner also constructed terraced house. The first and second respondent after having marked the path for erecting transmission line are trying to erect High Tension Electric lines through petitioner's land without any authority and therefore, the petitioner has given a representation to the authorities on 23.7.2015, objecting the said construction and also passing of transmission line over and above the petitioner's property. Since the said representation has not been disposed of, the petitioner has come before this Court.

3. Hear Mr.Arundattan, learned counsel appearing for the petitioner and Mr.Jeyesh B.Dolia, the learned counsel appearing for the respondents 1 and 2 and Mr.V.Jayaprakashnarayanan, learned counsel appearing for the third respondent.

4. When there is an objection by somebody with regard to the construction of concrete pillar and passing of transmission line over and above their property, the first and second respondents are required to get permission from the third respondent, the District Collector-cum-District Magistrate. The petitioner contends that contrary to the original path, now, the transmission of High Tension line is sought to be erected over and above the petitioner's property. In this regard, the petitioner already objected by giving representation on 23.7.2015.

5. Mr.Jeyesh B.Dolia, learned counsel appearing for the respondents 1 and 2, would fairly concede that the said objection is pending before the first respondent and he has to approach the third respondent District Collector-cum-District Magistrate seeking permission to enter upon the petitioner's property.

5. In view of that, it is open to the first respondent to approach the third respondent seeking permission in this regard. Till the first respondent approaches the third respondent and appropriate orders be passed by the third respondent within eight weeks from the date of the receipt of a copy of the order, status quo as on date to be maintained.

6. With the above, the writ petition is disposed of. No costs. Consequently the connected M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar (Records)

//True Copy//

Sub Assistant Registrar

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To

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3. The District Collector-cum-District Magistrate,
Dharmapuri District, सत्यमेव जयते
Dharmapuri.

- 1 CC to Mr.C.Munusamy, Advocate SR.No. 47695
1 CC to M/s. Aiyar & Dolia, Advocate SR.No. 47957
1 CC to the Government Pleader, SR.No. 48109

W.P.No.23043 of 2015

VGI (CO)

PSI (30.09.2015)