

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.23980 of 2015
and M.P.No.1 of 2015

D.Srinivasan

... Petitioner

vs.

1. The Chairman,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Chennai.

2.The Superintending Engineer,
Transmission Line Construction,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Villupuram.

3.The Junior Engineer,
Transmission Line Construction,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Villupuram.

4.The Superintending Engineer,
Transmission Line Construction,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Cuddalore.

... Respondents

Prayer:- Writ petition filed under Article 226 of the constitution of India praying for a writ of mandamus forbearing respondents and their agents from interfering with petitioner's possession of S.No.196/1A Hec. 2.09.0 and S.No.194/3B Hec. 0.48.50 in Thiruvamur Village, Panruti Taluk, Cuddalore District except by due process of law.

For Petitioner : Ms.Manjula Baskar
For Respondents : Mr.M.Varun Kumar
Standing Counsel for
Electricity Board.

ORDER

The petitioner contends that he is in possession of property to an extent of 2.09.0 Hec. in S.No.196/1A and 0.48.50 Hec. in S.No.194/3B Hec. 0.48.50, Thiruvamur Village, Panruti Taluk, Cuddalore District. The respondents are making arrangements for erecting powers for High Tension Lines in the petitioner's property and inspite of objection by the petitioner, the respondents are proceeding with the construction. Therefore, the petitioner has approached this court by way of this writ petition.

2. Heard Mrs.Manjula Baskar, learned counsel appearing for the petitioner and Mr.M.Varun Kumar, learned counsel appearing for the respondents.

3. If there is no objection by the land owners, there is no problem for the respondents for erecting of power lines. When the petitioner has already made a representation dated 30.07.2015 to the respondents by RPAD objecting erection of powers, the respondents are required to get permission from the local authority, namely District Magistrate cum District Collector under Section 10 of the Indian Telegraphic Act 1885. It goes without saying that when permission is sought for by the Electricity Board, the local authority is required to give permission under Section 10 as per Section 12 of the Act.

4. In view of the above circumstances, the respondents are directed to get permission from the concerned District Magistrate as per the above provisions and till such time, the respondents shall not enter upon the property of the petitioner. However, it is open to the respondents to approach the District Magistrate at the earliest. Once the permission is obtained, there shall be no problem for the respondents to erect the powers at the petitioner's property as the erection of power is only for public purpose.

5. The writ petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To,

1. The Chairman,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Chennai.

2.The Superintending Engineer,
Transmission Line Construction,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Villupuram.

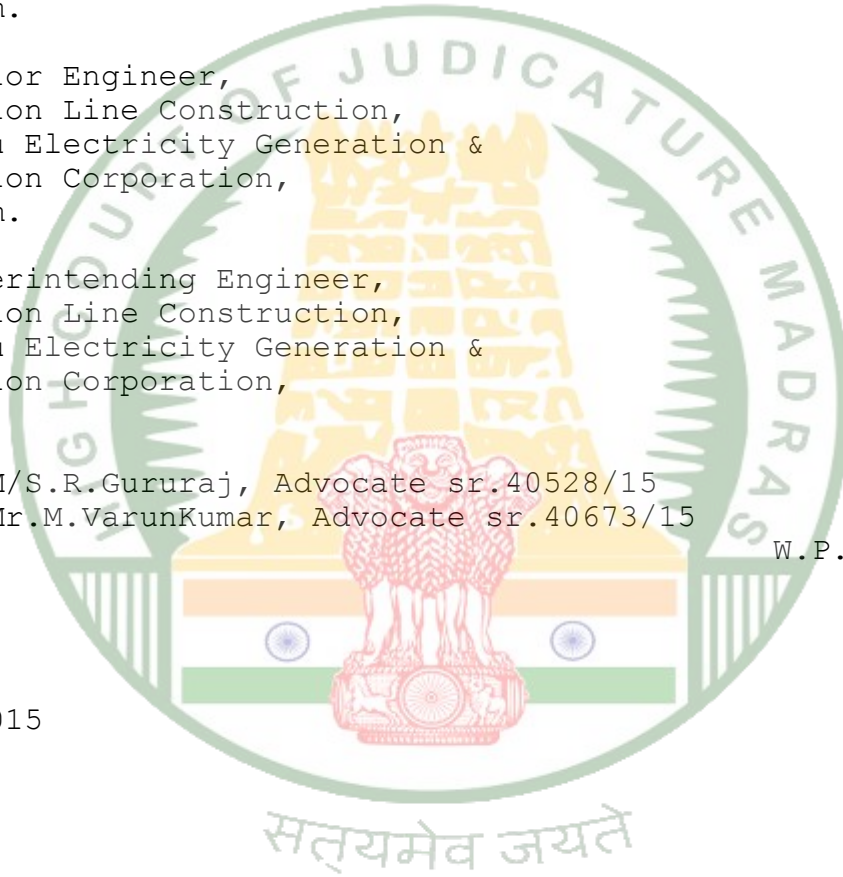
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4.The Superintending Engineer,
Transmission Line Construction,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Cuddalore.

+1 cc to M/S.R.Gururaj, Advocate sr.40528/15
+1 cc to Mr.M.VarunKumar, Advocate sr.40673/15

W.P.No.23980 of 2015

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