

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

Writ Petition Nos.25402 to 25404 of 2015 and
M.P.Nos.Nos.1 of 2015 in
W.P.Nos.25402 to 25404 of 2015

R.Vijayakumar
S.Balamurugan
S.Thirugnanam

... Petitioner in W.P.No.25402/2015
... Petitioner in W.P.No.25403/2015
... Petitioner in W.P.No.25404/2015

vs.

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai - 600 002.

2.The Chief Engineer,
Tamil Nadu Electricity Board,
Mannarpuram,
Trichy - 620 020.

3.The Superintendent Engineer,
Kovai Electricity General
Construction Circle,
Tatabad,
Coimbatore - 641 012.

... Respondents in all W.Ps

Common Prayer:- Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the third respondent dated 20.06.2015 vide Letter No.மே,பொ/பொ,க,வ/கோவை கோ,த,அ,உ,ச,எண் 2221/ஆ,எண் /15 and quash the same and consequently forbearing the respondents from earlier identification passing through the tower line of the way erecting High Tension Tower No.58 and 59 at petitioner land bearing Survey No.81, New Re-Survey No.81/1 situated at Mettupalayam Village, now Rasatha Valasu Village, Kangeyam Taluk.

For Petitioner
in all W.Ps

: Mr.M.Saravanakumar

For Respondents
in all W.Ps

: Mr.K.Rameshuwar

COMMON ORDER

The petitioners are agriculturists and they are the joint owners to an extent of 3.10 acres bearing Survey No.81, New Re-Survey No.81/1 situated at Mettupalayam Village now Rasatha Valasu Village, Kangeyam Taluk. The respondents proposed to erect High

Tension Tower Nos.58 and 59 from Ingur to Kurukkathi for the public purpose. In this regard, the third respondent inspected the property and earmarked middle of the petitioners' land for erecting High Tension Tower Nos.58 and 59.

2. According to the petitioners, if the respondents are allowed to erect High Tension Tower Nos.58 and 59 on the Northern or Southern side of the petitioners' agricultural land, there may not be any loss both to the petitioners as well as to the respondents. It is also contended by the petitioners that the respondents now changed the original alignment which was running on the Southern side of the petitioners' agricultural land to make it to run through the middle of the petitioners' property and therefore, the petitioners made a detailed representation on 17.03.2015 to the respondents. The third respondent without inspecting the petitioners' land, passed the impugned order, by which, the petitioners' request to change the alignment has been rejected. The said impugned order is being challenged by the petitioners in these writ petitions.

3. Heard Mr.M.Saravanakumar, learned counsel for the petitioner and Mr.S.K.Rameshwar, learned counsel for the respondents.

4. Though the learned counsel for the petitioners would contend that without giving opportunity to the petitioners and without inspecting the property of the petitioners, the impugned order has been passed thereby rejecting the request of the petitioners to change the alignment, Mr.S.K.Rameshwar, learned counsel for the respondents would submit that the petitioners' property was inspected and after providing opportunity to the petitioners only, the impugned order has been passed.

5. Moreover, the learned counsel for the respondents would point out that in paragraph No.7 of the counter affidavit, it has been stated by the respondents that the entire tower line works were taken up only as per the approved route alignment through the agricultural lands and tower was not erected in the petitioner's land and only conductors are crossing in the petitioners' land. Paragraph No.7 of the counter affidavit reads as follows:-

"7.I submit that in this regard, it is to be indicated that before commencement of tower line works, detailed route survey/detailed study has been conducted along various alternate routes, considering the ground clearance along the time, existing EHT line crossing, road crossing, cost aspect, present and the future load growth in that area and finally the most economical and technically feasible route was finalized and approved by the Chief Engineer/Transmission/Chennai. Based on the above, works were already started and out of 72 locations, tower stub-setting works were completed in 70 locations except tower Loc No.22 and 23. Tower erection and line stringing work are also under progress and nearing completion. The entire tower line works were taken up only

along the approved route alignment through the agricultural lands. Tower was not erected in the petitioner's land and only conductors are crossing in the petitioner's land."

6. When such a statement has been made in paragraph No.7 of the counter affidavit filed by the third respondent, it is evident that no right of the petitioners is infringed in respect of erecting High Tension Tower Nos.58 and 59.

7. In view of the above, the relief sought for by the petitioners cannot be granted. Accordingly, the writ petitions are dismissed leaving it open for the respondents to proceed further. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

jbm

To

1. The Chairman,
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Chennai - 600 002.

2. The Chief Engineer,
Tamil Nadu Electricity Board,
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Trichy - 620 020.

3. The Superintendent Engineer,
Kovai Electricity General
Construction Circle,
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Coimbatore - 641 012.

1 cc to Mr.M.Saravanakumar , Advocate Sr.No.46792
1 cc to Mr.S.K.Rameshwar , Advocate Sr.No.47101

W.P.Nos.25402 to 25404 of 2015

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pmk.4.9.2015