

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26810 of 2015
and
M.P.No.1 of 2015

V.Prabakaran
Ex.Vice President,
Nolambur Panchayat,
Old No.5/50, New No.5/40,
Madha Koil Nagar 2nd Cross street,
Nolambur,
Chennai-600 095. ... Petitioner

-vs-

- 1.The Government of Tamil Nadu,
rep. by its Principal Secretary,
Highways and Minor Ports Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The Government of Tamil Nadu,
rep. by its Secretary,
Public Works Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 3.The District Collector,
Thiruvallur District.
- 4.The District Collector,
Chennai District,
Singaravelar Maaligai,
No.62, Rajaji Salai,
Chennai-600 001.
- 5.The Chairman,
Tamil Nadu Electricity Board,
No.144, N.P.K.R.R. Maaligai,
Anna Salai, Chennai-600 002.

- 6.The Chief Engineer,
Public Works Department,
Water Resource Organization,
Chennai Region, Chepauk,
Chennai-600 005.
- 7.The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Tower Line Circuit,
Korattur, Chennai.
- 8.The Executive Engineer/Civil,
Transmission Line Construction,
A10, Thiru.Vi.Ka. Industrial Estate,
Guindy,
Chennai-600 032.
- 9.The Chairman,
Department of Environment,
Assessment Authority - I,
Gennis Road, Ground Floor,
Panakal Maaligai, Saidapet,
Chennai-600 015.
- 10.The Member Secretary,
Chennai Rivers Restoration Trust,
No.6/103, Dr. D.G.S. Dinakaran Salai,
Annamalaipuram,
Chennai-600 028. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relevant to the order in Lr.No.EE/TLC/CNI/SDM/F.Court case/D.734/2015 dated 28.07.2015 passed by the 8th respondent and quash the same as illegal, improper, against the law and natural justice and thereby direct the respondents to take all necessary steps to implement the project of erecting High Tension Cable Towers from Thiruverkadu to Koyambedu through by way of adopting alternative method either through by underground cable or overhead cable on the Poonamallee High Road in order to ensure the free flow of water into Coovam River during the rainy season and safeguard the life of the general public.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.R.Kamalanathan
Addl. G.P. For R1 to R4 & R6

Mr.P.R.Dhilip Kumar for R5

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have called upon the learned counsel for the petitioner to specifically state on what aspects the order dated 28.07.2015 seeks to file the writ petition i.e. he must assail the reason given in the impugned order.

2. In spite of our repeated query, the only submission of the learned counsel for the petitioner is that no pillars should exist in the river despite all precautions having been taken as submitted by the respondents.

3. We are not able to accept the aforesaid plea. There cannot be a blanket ban and it is a matter of policy decision. It has been specifically assured:-

(a) The work is being carried out as approved and as per the condition stipulated by the Public Works Department authorities and the type of foundation adopted for this project is well foundation.

(b) The foundation is circular in shape and the river water will flow around the well foundation without any hindrance.

(c) All care has been taken during construction and thus, there is no reason for electrical lines to fall causing damage. If due to some unusual natural calamity, any conductor falls still necessary protection is available and supplies will be automatically cut off.

(d) The suggestion of the petitioner in adopting alternative method either by way of underground cable or overhead cable, has been found not feasible.

4. We are, thus, of the view that there is no need to exercise the jurisdiction under Article 226 of the Constitution of India.

5. The writ petition is dismissed. No costs. Consequently, M.P.No.1 of 2015 is closed.

-s/d-
Assistant Registrar(CO)
dt:16/09/2015

True Copy

Sub-Assistant Registrar

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To

- 1.The Principal Secretary,
Highways and Minor Ports Department,
Fort St. George, Secretariat, Chennai-600 009.
- 2.The Secretary, Public Works Department,
Fort St. George, Secretariat, Chennai-600 009.
- 3.The District Collector, Thiruvallur District.
- 4.The District Collector, Chennai District,
Singaravelar Maaligai, No.62, Rajaji Salai, Chennai-600 001.
- 5.The Chairman,
Tamil Nadu Electricity Board,
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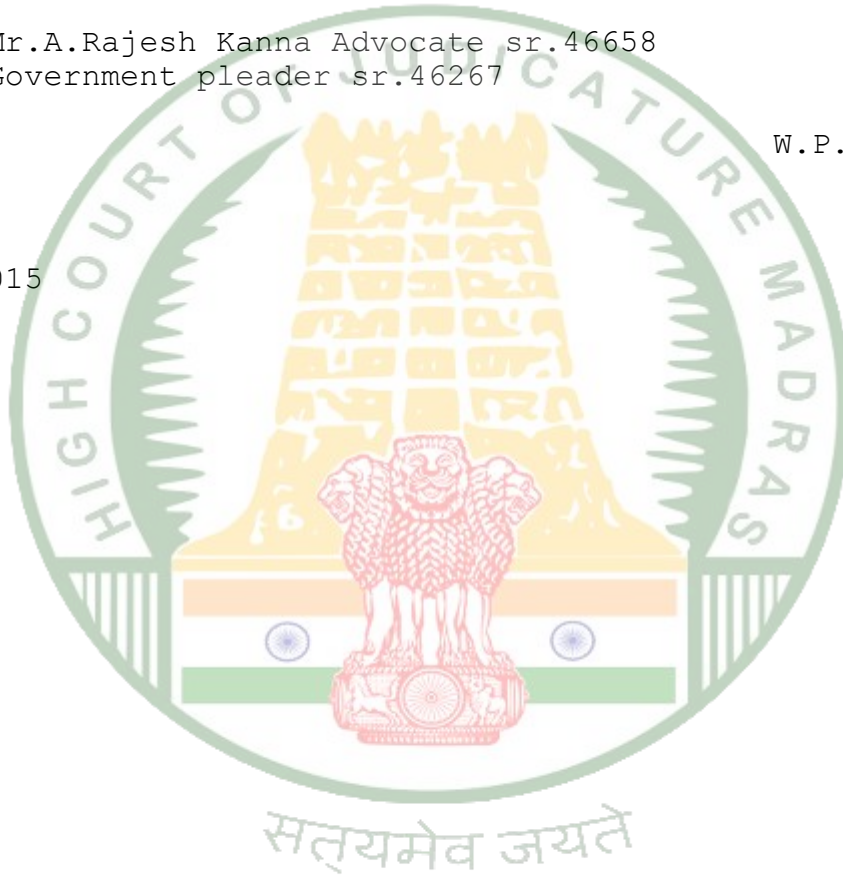
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+1 cc to Mr.A.Rajesh Kanna Advocate sr.46658
+1 cc to Government pleader sr.46267

W.P.No.26810 of 2015

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