

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.27212 of 2015
and
M.P.No.1 of 2015

P.Umashankar

..

Petitioner

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Superintending Engineer,
Dharmapuri District Electricity
Distribution Circle,
Tamilnadu Electricity Generation and
Distribution Corporation,
(TANGEDCO) Dharmapuri.

3.Power Grid Corporation India Ltd.,
rep.by its Deputy General Manager,
Salem Main Road, Ilakkiyampatti,
Dharmapuri 636 705.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from in any manner proceeding further with the work of erecting High Power Tower in petitioner's land measuring an extent of Ac.2.85 in S.No.168/2D in Papparapatti Village, Pennagaram Taluk, Dharmapuri District without determining and paying the compensation as per prevailing market value to the petitioner.

For Petitioner

: Mr.D.Baskar

For first respondent

: Mr.V.Jayaprakash Narayanan,
Special Government Pleader

For 2nd respondent

: Mr.M.Varun Kumar
Standing Counsel for TNEB

For 3rd respondent

: Mr. Jayesh B. Dolia

ORDER

The petitioner is the owner of the property measuring an extent of 2.85 acres in Survey No.168/2D in Papparappatti Village and 0.80 acres in Survey No.340/12 at Panaikulam Village, Pennagaram Taluk, Dharmapuri District. In the petitioner's land, the third respondent is trying to erect poles for the purpose of taking cables across his property and therefore, the petitioner has given objection on 29.7.2015 to the first respondent. However, without deciding the objection, the first respondent has forwarded the objection to the second respondent and the second respondent is trying to erect poles without getting permission under section 16 of the Indian Telegraph Act to enter into his property. Therefore, the petitioner has come before this Court seeking for a mandamus to forbear the respondents from in any manner proceeding further with the work of erecting High Power Tower in the petitioner's land.

2. Heard Mr.D.Baskar, learned counsel appearing for the petitioner, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the first respondent, Mr.M.Varun Kumar, learned counsel appearing for the second respondent and Mr. Jayesh B. Dolia, learned counsel appearing for third respondent.

3. As rightly pointed out by Mr.D.Baskar, learned counsel appearing for the petitioner, under section 16 of the Indian Telegraph Act, the third respondent is required to get orders to enter into the property if there is objection by the land owner. Since it is an admitted fact that the petitioner has already made objection on 29.7.2015, the first respondent has to pass orders on the objection raised by the petitioner. The third respondent can only after getting permission from the first respondent enter into the property of the petitioner and without getting any permission, the third respondent cannot enter into the property of the petitioner. Therefore, the first respondent is directed to pass appropriate orders on the petitioner's objection made on 29.7.2015 after hearing the petitioner as well as the third respondent. Till such an order is passed in favour of the third respondent, the third respondent is prohibited from entering into the property of the petitioner. Accordingly, the Writ Petition is disposed of. No costs. The connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(Records)
dt:30/9/2015

True Copy

Sub-Assistant Registrar

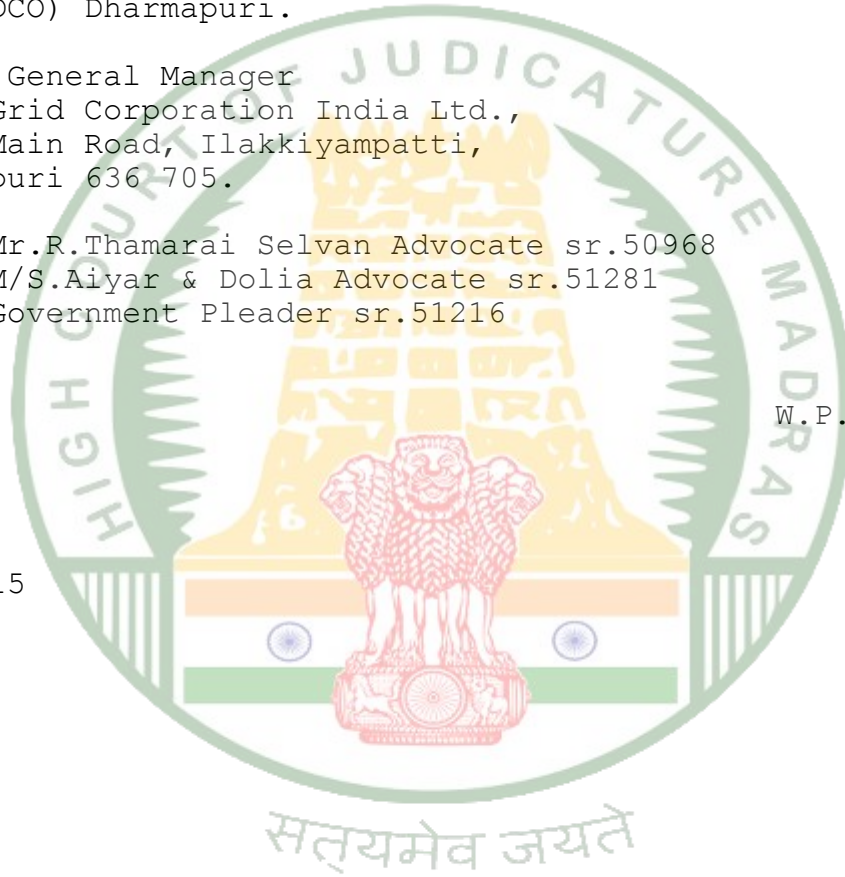
To

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The Superintending Engineer,
Dharmapuri District Electricity
Distribution Circle,
Tamilnadu Electricity Generation and
Distribution Corporation,
(TANGEDCO) Dharmapuri.
3. Deputy General Manager
Power Grid Corporation India Ltd.,
Salem Main Road, Ilakkiyampatti,
Dharmapuri 636 705.

+1 cc to Mr.R.Thamarai Selvan Advocate sr.50968
+1 cc to M/S.Aiyar & Dolia Advocate sr.51281
+1 cc to Government Pleader sr.51216

W.P.No.27212 of 2015
and
M.P.No.1 of 2015

aa5/10/2015



WEB COPY