

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.30734 of 2015

and

M.P.No.1 of 2015

1.G.Appusamy

2.A.Rajamani

.. Petitioners

Vs.

1.The Secretary to Government,
Energy Department, Secretariat,
Chennai.

2.The Chairman,
Tamil Nadu Electricity Board,
Chennai.

3.The District Collector,
Collectorate Buildings, Coimbatore.

4.The Superintending Engineer,
Tamil Nadu Transmission Corporation,
General Construction Circle,
Tatabad, Coimbatore.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents from putting up any poles or pillars or drawing over head lines in any form over the lands bearing Survey No.247 to an extent of 3.74 Acres, S.No.246/2A to an extent of 2.90 Acres and S.No.248/6B to an extent of 0.56 cents at Allapalayam Village Annur Taluk, Coimbatore District except due process of law.

For Petitioners .. Mr.N.Umapathi

For Respondents .. Mr.R.Vijayakumar
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents and with their consent, the writ petition is taken up for final disposal.

2.The Petitioner has filed this writ petition to forbear the respondents 1, 2 and 4 from any manner erecting a tower to draw a high tension electricity line across his property.

3.At the time when the writ petition was entertained, the following interim order was passed on 30.09.2015.

"There shall be an order of interim injunction as prayed for as the petitioners already filed their objection and in that event, the respondents are duty bound to get permission under Sec.16 of the Indian Telegraphic Act from the District Magistrate Cum District Collector."

4.The respondents have filed a counter affidavit raising several contentions. However, those contentions need not be gone into, in the light of the submission made on behalf of the 4th respondent that they will approach the 3rd respondent by way of appropriate application in terms of Section 16 of the Indian Telegraphic Act.

5.In the light of the submission made by the 4th respondent, the Writ Petition is disposed of, with a direction to the 4th respondent to approach the 3rd respondent for appropriate relief under Section 16 of the Telegraphic Act and if such application is filed before the 3rd respondent, the same shall be considered on merits and in accordance with law, after notice to the petitioners as well as the 4th respondent. Till such proceedings are concluded by the 3rd respondent, the interim order already granted by this court shall continue.

6.The learned counsel for the respondent Board submitted that the project is of public importance. Considering the said aspect, the District Collector is directed to expedite the disposal of the application. No costs. Consequently, connected Miscellaneous Petition is closed.

Sgl

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government,
Energy Department, Secretariat,
Chennai.

2.The Chairman,
Tamil Nadu Electricity Board, Chennai.

3.The District Collector,
Collectorate Buildings, Coimbatore.

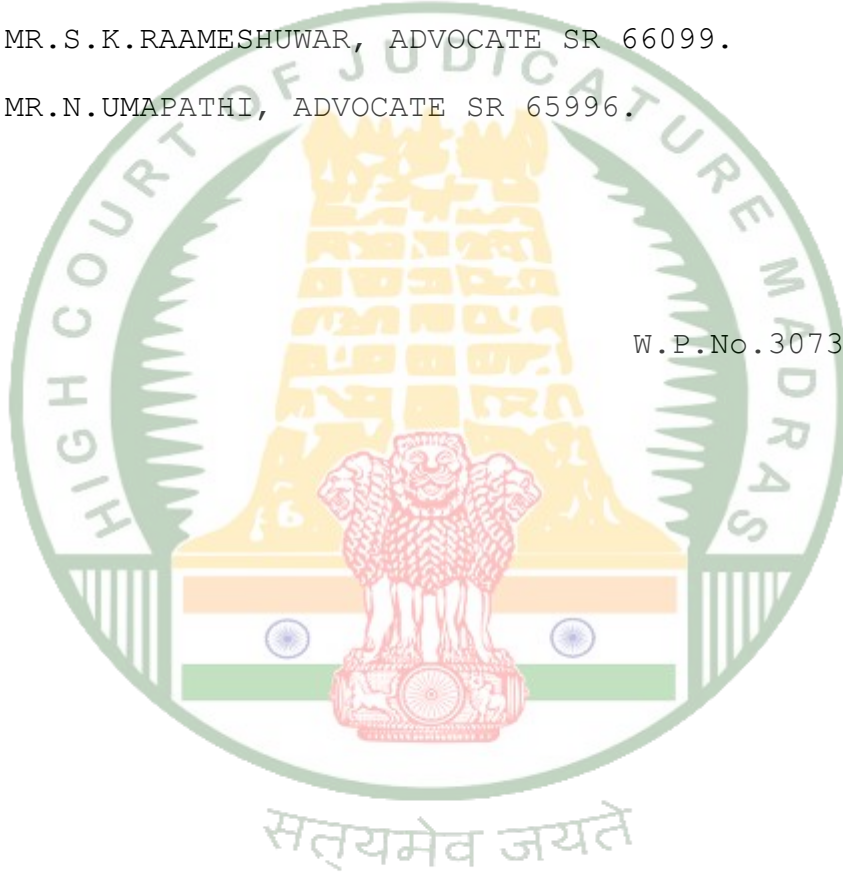
4.The Superintending Engineer,
Tamil Nadu Transmission Corporation,
General Construction Circle,
Tatabad, Coimbatore.

+ 1 CC TO MR.S.K.RAAMESHUWAR, ADVOCATE SR 66099.

+ 1 CC TO MR.N.UMAPATHI, ADVOCATE SR 65996.

PUR/CO
KR/16/12

W.P.No.30734 of 2015



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