

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.10.2015

CORAM

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

WP.No.33928 of 2015
and MP.No.1 of 2015

K.Kaladevi

... Petitioner

Vs

1.The District Collector,
Tiruppur District at Tiruppur.

2.The Superintending Engineer,
Tamil Nadu Transmission Corporation,
[TANTRANSCO]
Tatabad, Coimbatore.

3.The Chairman, TNEB,
Anna Salai, Chennai-2.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from in any manner, digging and erection of the Electricity Poles/Pillars/HT Lines through the agricultural lands of the petitioner, measuring hectares 3.10.0 ares comprised in survey No.305/4, Chinnakkampalayam Village, Dharapuram Taluk, Tiruppur District, vide patta bearing No.167.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.N.Sakthivel, GA for R1

: Mr.S.K.Rameshwar for R2, R3

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O R D E R

Invoking the provisions of Article 226 of the Constitution of India, the petitioner has filed this Writ Petition, seeking direction to direct the respondents in the nature of Writ of Mandamus forbearing them from in any manner digging or erecting the Electric Poles/Pillars/ or drawing HT lines through the agricultural lands of the petitioner measuring 3.10.0 hectares comprised in survey No.305/4, Chinnakkampalayam Village, Dharapuram Taluk, Tiruppur District, vide patta bearing No.167.

2. Heard Mr.K.Premkumar, learned counsel for the petitioner; Mr.N.Sakthivel, learned counsel for the 1st respondent and Mr.S.K.Rameshwar, learned counsel for the 2nd and 3rd respondents.

3. As it appear from the averments of the affidavit, the petitioner is the joint owner of the agricultural lands measuring 3.10.0 hectares comprised in survey No.305/4, Chinnakkampalayam Village, Dharapuram Taluk, Tiruppur District, along with her brother one Selvakumar. They have been issued with Patta bearing No.167 issued by the Zonal Deputy Tahsilar, Dharapuram. All the revenue records are standing in their name. There is no dispute with regard to this fact. Now, they have submitted that the 2nd respondent had attempted to measure and dig pits in their lands and on enquiry, they were informed that the High Tension lines is going to be drawn and electric poles are to be installed in their lands by the 2nd respondent.

4. In this connection, they had submitted their representation on 22.09.2014 to the 1st respondent. However, there was no response. Again, they had submitted another representation on 16.10.2015 raising their objections to draw the High Tension electric wire over and above their land. Despite their representations dated 22.09.2014 and 16.10.2015 respectively, the respondents are proceeding in haste and fast by digging pits in their agricultural lands, for the past three days and thereby, affecting their rights guaranteed under Article 300-A of the Constitution of India. Keeping in view of the above fact, they have come forward with this petition, seeking the relief as afore stated.

5. This Court has considered the submissions made on behalf of both sides and perused the averments of the affidavit, filed in support of this petition. Having regard to the related facts and circumstances, this Court finds that the respondents 1 to 3 may be directed to consider the representation of the petitioners dated 29.09.2014 as well as 16.10.2015, within a prescribed period of 15 days.

6. Accordingly, this Writ Petition is disposed of at the admission stage, with the following direction :

Respondents 1 to 3 are hereby directed to dispose of the petitioners representation dated 29.09.2014 and 16.10.2015 within a short span of 15 days without loss of further time, after affording an opportunity of being heard of the petitioner.

Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The District Collector,
Tiruppur District at Tiruppur.

2.The Superintending Engineer,
Tamil Nadu Transmission Corporation,
[TANTRANSCO]
Tatabad, Coimbatore.

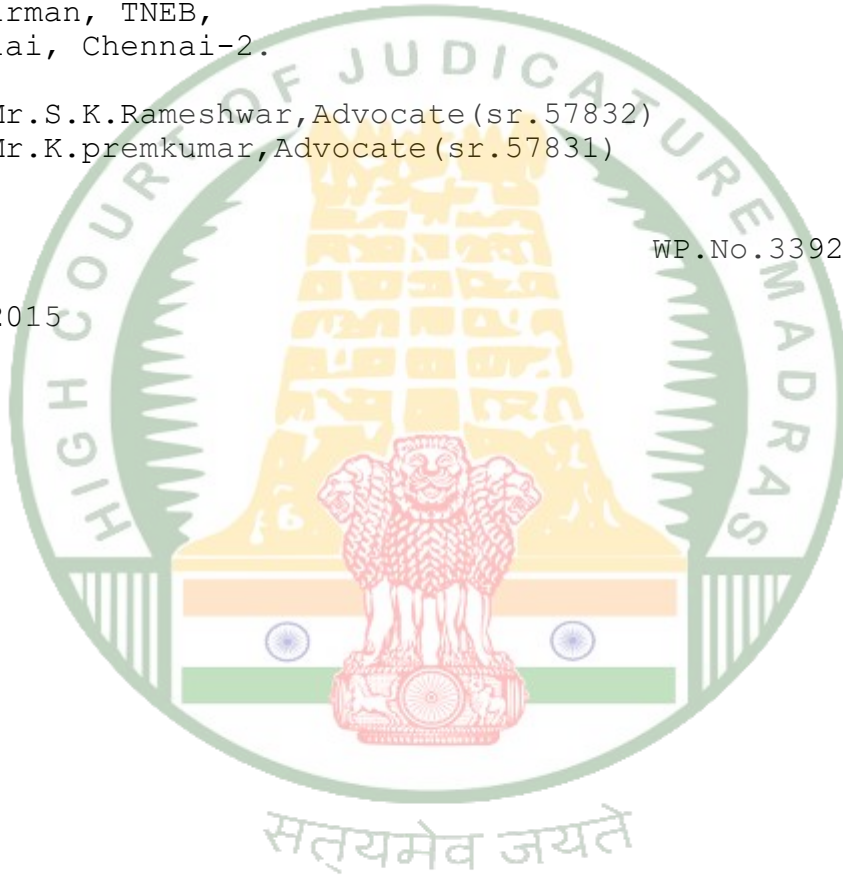
3.The Chairman, TNEB,
Anna Salai, Chennai-2.

+1 cc to Mr.S.K.Rameshwar, Advocate (sr.57832)

+1 cc to Mr.K.premkumar, Advocate (sr.57831)

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TEJ(co)
cp 27/10/2015



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