

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.39371 of 2015 &
M.P.No. 1 of 2015

R.Rajamanickam

[PETITIONER]

Vs

- 1 The District Magistrate /
District Collector
Salem District, Salem.
- 2 The Assistant Engineer (Civil)
Transmission Line Circle/
General Construction Circle
TAN TRANS CO Kamaraj Colony
Attur Bypass Road
Salem 636 014
- 3 The Superintending Engineer
Transmission Line Circle/
General Construction Circle
TAN TRANS CO Kamaraj Colony
Attur Bypass Road, Salem 636 014.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus directing the 1st respondent to consider the petition dt 24.8.2015 filed by the petitioner under Section 17(2) and 17(3) of the Indian Telegraph Act 1885 and the petitioners representation dt 9.11.2015 and pass appropriate orders after giving opportunity to all the parties concerned and forbearing the respondents 2 and 3 from drawing high voltage transmission lines over the petitioners agricultural lands comprised in S. Nos. S. No.67/3B1 and 67/4 R.Pethampatti, Rajaapalayam Post, Salem District till the passing of final orders by the 1st respondent on the said petition and representation filed by the petitioner.

For Petitioner : Mr.P.Mani

For Respondents : Mr.R.Vijayakumar - R1
Addl.Govt.Pleader

Mr.S.K.Rameshuwar -R2 & R3

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.P.Mani, learned Counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the first respondent and Mr.S.K.Rameshwar, learned learned counsel appearing for respondents 2 & 3.

3.The petitioner who is the land owner has raised an objection for drawing high voltage transmission line over his agricultural land comprised in Survey Nos. 67/3B1 & 67/4.

4.Though the petitioner had filed a Suit before the Additional District Munsif Court No.1, Salem in O.S.No.654 of 2015, initially an interim order of status quo was passed on 31.07.2015 and subsequently, it appears that the Suit Papers were returned and the injunction petition was closed. Therefore, the petitioner has approached the first respondent and filed a Petition under section 17(2) & (3) of the Indian Telegraphs Act, 1885 and requested the intervention of the first respondent to consider his objection.

5.The learned counsel appearing for the respondents 2 & 3 submitted that a direction may be issued to the first respondent to adjudicate the matter after notice to all concerned.

6.The learned Additional Government Pleader appearing for the first respondent submitted that reasonable time may be granted to the first respondent to decide the petition.

7.In the light of the above, first respondent is directed to consider the petition filed by the petitioner dated 24.8.2015, under section 17(2) & (3) of the Indian Telegraphs Act and after notice to the petitioner and respondents 2 & 3, pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. Till appropriate orders are passed by the first respondent, status quo which is prevailing as on date (15.12.2015) shall be maintained.

The Writ Petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

True Copy

Sub Assistant Registrar

To

- 1 The District Magistrate /
District Collector
Salem District, Salem.
- 2 The Assistant Engineer (Civil)
Transmission Line Circle/
General Construction Circle
TAN TRANS CO Kamaraj Colony
Attur Bypass Road, Salem 636 014
- 3 The Superintending Engineer
Transmission Line Circle/
General Construction Circle
TAN TRANS CO Kamaraj Colony
Attur Bypass Road, Salem 636 014.

+1cc to Mr.S.K.Raameshuwar, Advocate sr.67457
+1cc to The Government Pleader Sr.67596
+1cc to Mr.P.Mani, Advocate sr.67254

W.P. No.39371 of 2015

kk[co]
srg 16/12/2015

सत्यमेव जयते

WEB COPY