

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.40567 of 2015 &
M.P.No.1 of 2015

P.V.Kanappan

... PETITIONER

Vs

- 1 The Chairman
Tamilnadu Electricity Board (TANTRANSCO)
Anna Salai, Chennai-2
- 2 The District Collector
District Collector's Office
Coimbatore 641018
- 3 The Superintending Engineer
Tamilnadu Electricity Board (TANTRANSCO)
TATABAD Power House, Coimbatore.
- 4 The Assistant Executive Engine
Tamilnadu Electricity Board (TANTRANSCO)
Mettupalayam, Coimbatore. ... RESPONDENTS

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to forbear the respondents 2 and 3 from putting up any tower or high tension electricity lines within the agricultural property owned by petitioner situated at situated at S.No. 492/1, 492/6, 493/7, and 495/6 Situated at Pallepalam Village, Mettupalayam Division, Coimbatore District measuring an extent of one acre except by following the due process of law and after determining and paying compensation to the petitioner.

For Petitioner : Mr.N.Anand Venkatesh

For Respondents :Mr.S.K.Rameshuwar -R1, R3 & R4

Mr.R.Rajeswaran - R2
Spl.Govt. Pleader

O R D E R

Heard Mr.N.Anand Venkatesh, learned Counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned counsel who accepts notice for the respondents 1, 3 & 4 and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the fourth respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner who is the owner of the agricultural lands in S.Nos. 492/1, 492/6, 493/7, and 495/6, situated at Pallepalayam Village, Mettupalayam Division, Coimbatore District measuring an extent of one acre, has filed this Writ Petition to restrain the respondent TANTRANSCO from erecting any tower or high tension electricity lines in his property. In this regard, the petitioner has also submitted a representation to the District Collector, second respondent and the same has been acknowledged on 12.10.2015.

3.It is a settled legal position that when such objections are raised, it is for the respondent TANTRANSCO to approach the District Collector/Magistrate, by filing an appropriate Application, so as to remove the obstruction or the objection, which has been raised. Though the petitioner has submitted his objection on 12.10.2015, it would be appropriate for TANTRANSCO to submit their Application before the District Collector, setting out in detail about the entire project and as to why the pole has to be erected in the petitioner's land. If such Application is filed, then the petitioner would be entitled to submit his reply to such Application, since the details will be placed by TANTRANSCO in their Application.

4.The learned counsel appearing for the TANTRANSCO, on instructions submitted that the respondents will immediately pursue the matter before the second respondent.

5.In the light of the above, liberty is granted to the respondents 3 & 4 /TANTRANSCO to submit appropriate Application before the second respondent, in view of the objection raised by the petitioner for erection of the tower. If such Application is given, then the second respondent shall issue notice to the petitioner, afford him an opportunity to submit his reply and after affording an opportunity of personal hearings to the petitioner and the respondents 3 & 4, pass orders on merit and in accordance with law. The above exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. Till then, status quo which is prevailing as on date shall be maintained.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

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Mettupalayam, Coimbatore.

+1cc to Mr.N.Anandvenkatesh, Advocate, S.R.No.69403
+1cc to Mr.S.K.Rameshuwar, Advocate, S.R.No.69528
+1cc to the Government Pleader, S.R.No.69638

W.P. No.40567 of 2015

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srg(12/01/2016)

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