

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.4885 of 2015
and
M.P.No.2 of 2015

D.Meghala

.. Petitioner

vs.

1. The Superintending Engineer
General Construction Circle
Tamil Nadu Electricity Board
(TANTRANSCO), Coimbatore.
2. The Assistant Executive Engineer
Transmission Line Construction-I
General Construction Circle
Tamil Nadu Electricity Board
(TANTRANSCO), Coimbatore 641 012.
3. The Junior Engineer
Transmission Line Construction-I
General Construction Circle
(TANTRANSCO), Tamil Nadu Electricity
Board, Coimbatore 641 012.
4. The District Collector
Collectorate
Coimbatore 641 018.

.. Respondents

R-4 impleaded as per order dated
13.03.2015 in M.P.Nos.
3 of 2015 in W.P.Nos.4272 to
4274 of 2015, 4869 and
4885 of 2015.

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus forbearing the respondents from putting up any tower or high tension electricity lines within the agricultural property owned by the petitioner situated at S.F.No.305/4, No.2, Gudulur Village, Coimbatore, North Taluk, Coimbatore District measuring an extent of 2282 sq.ft., 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.P.H.Arvinth Pandian
Additional Advocate General
assisted by Mr.S.K.Rameshwar
Standing Counsel for TNEB
for RR1 to 3
Mr.R.M.Muthukumar
Government Advocate for R4

ORDER

The writ petition has been filed by the petitioner seeking issuance of a writ of mandamus forbearing the respondents from putting up any tower or high tension electricity line within the agricultural property owned by the petitioner except by following the due process of law and after determining and paying compensation to the petitioner.

2. Heard Mr.N.Anand Venkatesh, learned counsel for the petitioner, Mr.P.H.Arvinth Pandian, learned Additional Advocate General assisted by Mr.S.K.Rameshwar, learned Standing Counsel for Tamil Nadu Electricity Board on behalf of respondents 1 to 3 and Mr.R.M.Muthukumar, learned Government Advocate appearing on behalf of the fourth respondent.

3. It is not in dispute that the petitioner has objected to the installation of the tower or high tension electricity lines in her agricultural property. In case of any objection raised by the land owners, the licensee should seek an order from the District Magistrate/District Collector and the District Collector shall consider the case of the land owners as well as the licensee and have to pass appropriate orders under Section 16(1) of the Telegraph Act, 1885.

4. It is further brought to the notice of this Court that the respondents 1 to 3 have not referred the matter to the District Collector for deciding the issue. However, when the matter is taken up for hearing today, Mr.P.H.Arvinth Pandian, learned Additional Advocate General appearing on behalf of respondents 1 to 3 submitted that the respondents have referred the matter to the fourth respondent/District Collector for adjudication with regard to the objections raised by the writ petitioner.

5. Since the respondents 1 to 3 have complied with the provisions of the Act by referring the matter before the fourth respondent-District Collector on 06.03.2015 and 07.03.2015, without expressing any opinion, with regard to the merits of the case, the fourth respondent-District Collector is directed to decide the matter within a period of three weeks from the date of receipt of a copy of this order, after issuing notice and after affording an opportunity of hearing the writ petitioner.

6. With these observations, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Superintending Engineer
General Construction Circle
Tamil Nadu Electricity Board
(TANTRANSCO), Coimbatore.
2. The Assistant Executive Engineer
Transmission Line Construction-I
General Construction Circle
Tamil Nadu Electricity Board
(TANTRANSCO), Coimbatore 641 012.
3. The Junior Engineer
Transmission Line Construction-I
General Construction Circle
(TANTRANSCO), Tamil Nadu Electricity
Board, Coimbatore 641 012.
4. The District Collector
Collectorate
Coimbatore 641 018.

jsv(coi)
pmk.18.3.2015

W.P.No.4885 of 2015

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