



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) No.12675 of 2015

and

M.P. (MD) Nos.1 & 2 of 2015

B.Chandramathi

.. Petitioner

Vs.

1.The Superintendent of Engineer,
General Construction Circle,
TANTRANSCO, Mannarpuram, Trichy-20.

2.The Executive Engineer,
Transmission Line Construction,
TANTRANSCO, Mannarpuram, Trichy - 20.

3.The Assistant Executive Engineer,
Transmission Line Construction,
TANTRANSCO, Mannarpuram, Trichy-20.

4.The Junior Engineer,
Transmission Line Construction,
TANTRANSCO, Mannarpuram, Trichy-20.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents men or agents claiming through the respondent in any manner entering the petitioner's land in S.F.No.137/6 at Lingam Nagar, Pondamanagalam, Uraiur, Trichy District and erecting electric line tower.

For Petitioner ... Mr.N.Shanmugaselvam

For Respondents ... Mr.S.M.S.Johnny Basha

Orders Reserved on : 03.08.2015

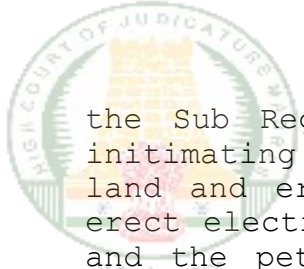
Orders Pronounced on : 06.08.2015

ORDER

The writ petition has been filed praying this Court for issuance of a Writ of Mandamus forbearing the respondents men or agents claiming through the respondent in any manner from entering the petitioner's land in S.F.No.137/6 at Lingam Nagar, Pondamanagalam, Uraiur, Trichy District and erecting electric line tower.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

<https://hcservices.courts.gov.in/hcservices/>
3.The case of the petitioner is that he is the owner of the land measuring to an extent of 72 cents in S.F.No.137/6 at Pondamanagalam, Uraiur, Trichy. He had purchased the said land by document No.831/83 in



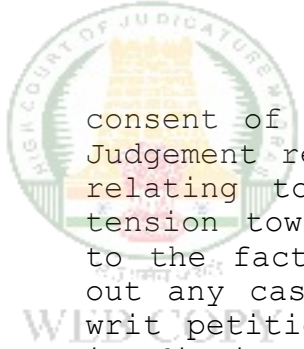
the Sub Registrar's Office, Uraiyur. While so, the respondent without intimating the petitioner or obtaining his consent, entered into the land and erected electric line tower. If the respondent is allowed to erect electric line tower, the entire land will not be put to proper use and the petitioner cannot carry on his agricultural operations. Hence, the petitioner has given a representation on 23.05.2015 requesting the respondent not to instal the electric tower on his land. Since the said representation was not considered, he has come forward with the present writ petition.

4. Pending the writ petition, the petitioner has also filed an application in M.P.(MD)No.1 of 2015 for interim injunction restraining the respondent from erecting the electric tower on his land. This Court has granted interim injunction by order dated 22.07.2015.

5. The respondent has filed an application in M.P.(MD)No.2 of 2015 to vacate the injunction by filing counter. In the counter affidavit filed by the respondent, it has been stated that the existing 10 KV Trichy to Samayapuram Feeder was erected 48 years back and presently the said line ought to have been changed due to its depreciated condition. Normally the expected life for a line is 35 years and presently the line has serviced the public for more than 48 years. The strengthening of existing 110 KV is necessary to provide electricity supply to the people in and around Trichy area. The work is being carried by strengthening the existing double circuit line; that the present project was approved and published in Government Gazette dated 04.06.2015 and also published under the newspaper on 29.03.2015; that the said project is under the sanctioned scheme and the total distance covered by General Construction Circle, is 3 kilometers; that the petitioner has no legal right much less any right to question the route of alignment as that has been decided by the technical experts; that the consent of the land owner need not be obtained since there is no acquisition of land, but the respondents are bound to minimize the damages as much as possible to the lands and crops; that the total length of alignment being 3 kilometer totally 12 numbers of towers, 10 towers basement over, 6 towers are erected and that even a slight change in the positioning of tower in the alignment route will have chain reaction and therefore, any deviation from the present alignment is not possible. Thus, sought for dismissal of this writ petition.

6. The main submission of the learned counsel for the petitioner is that before entering into the land to erect electric line tower, no consent of the petitioner was obtained by the respondent and that if the respondent is allowed to erect tower, then the petitioner cannot carry out the agricultural operations in his land. In support of his contention, that the consent of the owner of the land is necessary for erecting the electric line tower, the learned counsel for the petitioner has also relied upon the Division Bench Judgment of this Court reported in 2011 (3) MLJ 625 (*SUPERINTENDING ENGINEER, TNEB v. M.SENGU VIJAY*).

7. On a perusal of the records, I find that the tower was erected 48 years back. Presently, the respondents are carrying the work only for strengthening the double circuit line. The writ petition was filed by the petitioner by projecting a case, as if for the first time, the respondent is going to erect the electric tower on his land. Since the respondent is carrying the work for strengthening the double circuit line, which was already in existence, in my considered opinion, the



consent of the petitioner is not necessary in this case. More over, the Judgement relied upon by the learned counsel for the petitioner, is only relating to erection of electric poles and not with regard to high tension towers. Therefore, the said Judgement cannot be made applicable to the facts of the present case. Further, the petitioner has not made out any case warranting this Court to entertain this prayer. Hence, the writ petition is liable to be dismissed. Accordingly, the writ petition is dismissed. Consequently, connected Miscellaneous Petitions are also dismissed. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Superintendent of Engineer,
General Construction Circle,
TANTRANSCO, Mannarpuram, Trichy-20.
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- 4.The Junior Engineer,
Transmission Line Construction,
TANTRANSCO, Mannarpuram, Trichy-20.

+1cc to MR.S.M.S.JOHN BASHA, Advocate in SR.No. 44868

Rj2

SR : 19.08.2015 : 3p/6c

order made in
W.P. (MD) No.12675 of 2015
06.08.2015