

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13668 of 2016 &

WMP No.119556 of 2016

S.Selvaraj

[PETITIONER]

Vs

- 1 The District Collector
Erode District
Erode-638 011.
- 2 The Chairman
Tamilnadu Electricity Board
800 Anna Salai
Chennai-600 003.
- 3 The Superintending Engineer
General Construction Circle
Tamil Nadu Electricity Board
Dr.Subbarayan Road
Tatapad, Coimbatore-641 012.
- 4 The Executive Engineer
Protection and Communication
TANTRANSCO
950 EVN Road, Erode-638 009
- 5 The Assistant Executive Engineer
TLC Wing
Tamil Nadu Electricity Board
Erode.

[RESPONDENTS]

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to forbear the respondents from taking steps to erect H.T. lines over the petitioners lands bearing R.S. No. 60/1, Puthur Pudupalayam Village, Erode Taluk, Erode District, till the compliance of the procedure established under Sections 10 and 16 (1) of the Indian Telegraph Act 1885 r/w Sections 68 and 69 of

the Indian Electricity Act 2003 by considering his representation dated 30.03.2016.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.R.M.Muthukumar -R1
Govt. Advocate

Mr.S.K.Raameshuwar -R2 to R5
Standing Counsel

O R D E R

Heard Mr.N.Manokaran, learned counsel appearing for the petitioner, Mr.R.M.Muthukumar, learned Government Advocate accepting notice for the first respondent and Mr.S.K.Raameshuwar, learned Standing Counsel accepting notice for the respondents 2 to 5. By consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner is stated to be the owner of the land measuring an extent of 0.43.5 ares bearing R.S.No.60/1 (old S.F.No.105/2), of Puthur Pudupalayam Village, Erode Taluk, having obtained title to the property pursuant to the Release Deed dated 28.02.2013, registered as Doc. No.1139 of 2013.

3.The grievance of the petitioner is that the respondents 3 to 5 without following the due process of law, have attempted to trespass into his property for the purpose of drawing high tension line over the petitioner's property. The petitioner would submit that respondent Board have to follow the Indian Telegraph Act, before exercising their power under sections 68 & 69 of the Indian Electricity Act, 2003 and whenever an objection is raised by the land owner, it is incumbent upon the respondents 3 to 5 to approach the District Collector and secure permission under section 10 of the Indian Telegraph Act and only after permission is granted, the respondents 3 to 5 can enter upon the petitioner's property. The photographs filed in the typed set of papers prima facie shows that the land is a fertile land and also consists of fully grown yielding coconut trees in large numbers.

4.Faced with this situation, the learned counsel for the respondents 2 to 5 submitted that they will move the first respondent by way of Application seeking permission to enter upon the land.

5.In the light of the above, the respondents 3 to 5 are directed to file appropriate Application to the first

respondent, seeking permission for entering upon the petitioner's land and if such Application is filed, the first respondent, after notice to the petitioner as well as the officials of the TANTRANSCO, hear the parties in person, and pass a reasoned orders on merits and in accordance with law, within a period of eight weeks from the date on which the Application is filed. It is made clear that till such orders are passed by the first respondent on the Application to be filed by the respondents 3 to 5, the high tension line shall not be drawn across the petitioner's property.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

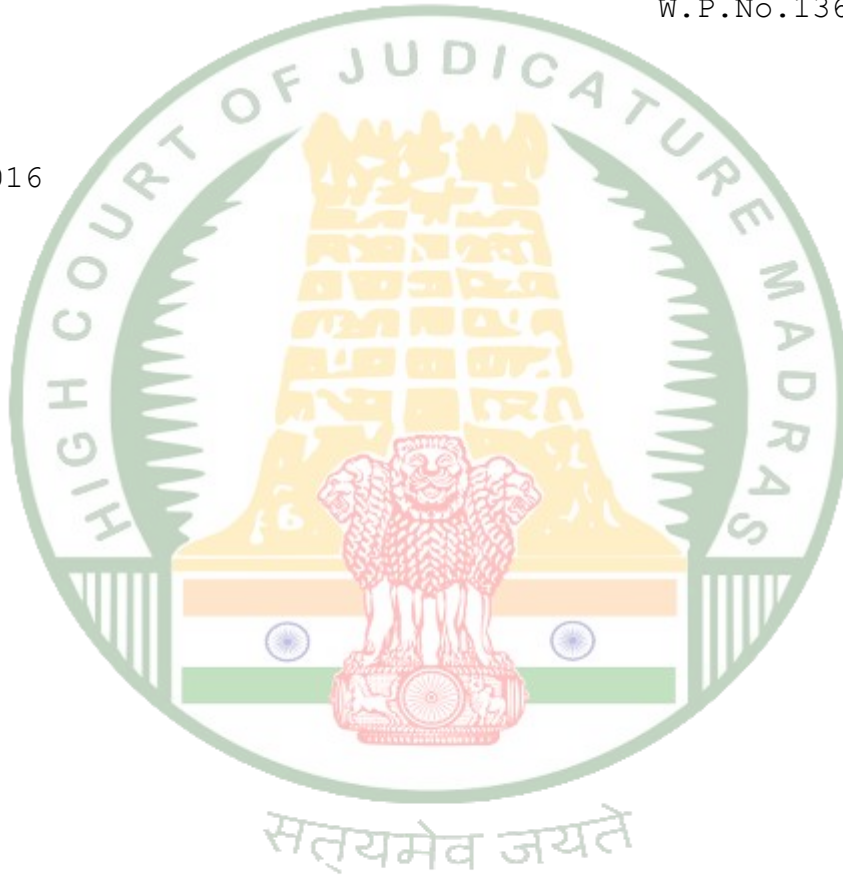
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+1 cc to Mr.N.Manokaran Advocate sr.27522
+1 cc to Mr.S.K.Rameshuwar Advocate sr.27805

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