

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13878 of 2016

K.M.Periyasamy

... Petitioner

Vs.

- 1 The District Collector,
Salem District,
Salem.
 - 2 The Chairman
Tamilnadu Electricity Board,
Power Distribution and Planning,
5B, Block, 144, Anna Salai,
Chennai - 600 002.
 - 3 The Executive Engineer,
Tamilnadu Transmission corporation Limited
TNEB, Udayapatti,
Salem.
 - 4 The Divisional Engineer
Tamilnadu Transmission corporation Limited
TNEB, Udayapatti,
Salem.
 - 5 The Assistant Engineer
Tamilnadu Transmission corporation Limited
TNEB, Udayapatti,
Salem.
 - 6 The Junior Engineer
Tamilnadu Transmission corporation Limited
TNEB, Belur,
Valapadi Taluk, Salem.
- ... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 to 6 to keep abeyance of all further works in the erected towers on petitioner land in S.No.316/3C till the objections representation dated 26.02.2016 are disposed of by the 1st respondent.

For Petitioner : Mr.J.Kamaraj

For Respondents: Mr.R.Rajeswaran for R1
Special Government Pleader
Mr.S.K.Raameshuwar for R2 to R6

O R D E R

By consent, the writ petition is taken up for final disposal.

2.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first respondent as well as the learned Standing Counsel appearing for the respondents 2 to 6.

3.The petitioner is before this Court for the second time objecting to the erection of high tension tower or electricity tower. Earlier, the petitioner approached this Court and filed W.P.No.39836 of 2015, wherein, he sought for issuance of writ of certiorari to quash the order passed by the District Collector dated 02.12.2015 rejecting the petitioner's objection and permitting the TANTRANSCO to enter upon the petitioner's land for erection of electricity power transmission tower and for laying high tension power lines.

4.The writ petition was disposed of by the order dated 08.01.2016 noting that the petitioner was unable to establish that there were alternate route available. Though it was the submission made by the petitioner, when the said writ petition was heard for admission, considering the said submission, initially an interim order of status-quo was granted. Subsequently, it was vacated. However, this Court granted liberty to move the District Collector who was directed to consider the same. Accordingly, the petitioner has filed representation before the District Collector, Salem on 26.02.2016. The said representation is still pending before the Collector and since no orders have been passed, the petitioner is before this Court.

5.The learned Standing Counsel appearing for the TANTRANSCO submitted that the District Collector made enquiry into the objection and examine as to the tenability of the same.

6.Considering the submission made on either side and also the facts and circumstances of the case, there will be a direction to the first respondent to consider the petitioner's representation on merits and in accordance with law and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order. It is made clear that in

the interregnum, there is no interim order granted by this Court.

7.The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1 The District Collector,
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Salem.
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Tamilnadu Transmission corporation Limited
TNEB, Belur,
Valapadi Taluk, Salem.

+1cc to Mr.J.Kamaraj, Advocate, S.R.No.23748
+1cc to Mr.S.K.raameshuwar, Advocate, S.R.No.23675
+1cc to the Government Pleader, S.R.No.23855

W.P.No.13878 of 2016

svi (CO)
srg (26/04/2016)