

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33047 of 2014

&

MP No.1 of 2014

1 D.L.Rikab Chand Jain
2 Indra Kanwar
3 Gopi Chand Jain
4 Lalitha [PETITIONERS]

Vs.

1 The Chairman
TANTRANSCO Chennai
(Tamilnadu Transmission Corp. Ltd.)
No.144, Anna Salai, Chennai 600 002.
2 The Managing Director
TANTRANSCO Chennai
(Tamilnadu Transmission Corp. Ltd.)
No.144, Anna Salai, Chennai 600 002.
3 The Director/Transmission Projects
TANTRANSCO Chennai
(Tamilnadu Transmission Corp. Ltd.)
No.144, Anna Salai
Chennai 600 002.
4 The Superintendent Engineer
TANTRANSCO Chennai
(Tamilnadu Transmission Corp. Ltd.)
No.144, Anna Salai
Chennai 600 002.
5 The Chief Engineer (Distribution North)
TANTRANSCO Chennai
(Tamilnadu Transmission Corp. Ltd.)
No.144, Anna Salai
Chennai 600 002.

[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, their men, agents, servants, and subordinates from summarily and forcibly erecting Electrical Towers and/or High Tension (HT) Lines for the proposed 400 KV High Tension (HT) line from Thervoy Kandigai-Manali-Korattur and proposed 110 KV High Tension Line (HT) from GDP-Panchetty-Thervoy Kandigai on or over and above the petitioners agricultural lands measuring about 45 Acres situate in Survey Nos. 1, 2, 3, 5/1, 5/2, 7, 8, 11/1, 11/2, 12, 13, 14/1, 14/2, 14/3, 15 and 16 of Perungavoor Village and Survey Nos. 157, 158 and 159 of Thirunilai Village both of Ponneri Taluk, Thiruvallur District, without considering the petitioners objections dt 8.12.2014 and 9.12.2014 and in violation of principles of natural justice including the statutory provisions of Tamil Nadu Electricity Act, 2003 and Indian Telegraph Act 1885.

For Petitioners : Mr.R.Muthukumarasamy
Sr.Counsel
for Mr.N.R.Anantha Rama Krishnan

For Respondents : Mr.S.K.Raameshuwar
Standing Counsel

O R D E R

Heard Mr.R.Muthukumarasamy, learned Senior counsel assisted by Mr.N.R.Anantha Rama Krishnan, learned counsel appearing for the petitioners and Mr.S.K.Raameshuwar, learned Standing Counsel appearing for the respondents and with the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioners seek for issuance of a writ of mandamus to forbear the respondents from forcibly erecting the Electric Towers and/or High Tension Lines, over the petitioner's land measuring an extent of 45 acres in Thirunilai Village, Ponneri Taluk, Thiruvallur District, without considering the objections dated 08.12.2014 and 09.12.2014 and without following the principles of natural justice and the procedure established under law.

3.The learned Senior counsel appearing for the petitioners submitted that all of a sudden, without notice, the respondent Board attempted to trespass into the petitioners' property and commenced erection of the High Tension Towers which was objected to by the petitioners and thereafter they have filed this Writ Petition.

4.It is submitted that the petitioners have informed the officials, that they have already lodged their objections by E-mail on 08.12.2014 and taking note of the objections, the respondent Corporation have to refer the matter to the

concerned District Magistrate for adjudication and the District Magistrate has to afford opportunity to the petitioners to place their objections and after hearing the parties only, orders have to be passed. It is submitted that the said procedure has not been followed in the instant case and therefore, the petitioners are justified in approaching this Court and filing the Writ Petition for the aforementioned relief.

5. In the counter affidavit filed by the respondents, while seeking to justify the project and the need for erecting the High Tension Towers in the petitioners property and to draw the lines, it is submitted that the respondent Board is ready and willing to file the Application before the District Magistrate/Collector and subject to the orders that may be passed, they will initiate further action.

6. It is seen that at the time when the Writ Petition was entertained, an interim order was granted and thereby till date the Tower has not been erected. In the light of the stand taken by the respondent Board, status quo prevailing as on the date of the impugned order i.e. 15.12.2014, should continue, till the District Magistrate takes a decision on the application filed by the respondents, since that alone would not make the entire exercise as a futile or infructuous exercise.

7. In the light of the above, the Writ Petition is disposed of with a direction to the respondent TANTRANSCO to file an Application before the District Collector, Thiruvallur, requesting permission to enter upon the petitioners land for the purpose of erection of High Tension Towers/Lines. If such an Application is filed before the District Collector, Thiruvallur, the Collector shall issue notice to the petitioner, hear the parties in person and after considering all the documents that may be placed, pass reasoned orders on merits and in accordance with law, not later than three months from the date on which such Application is filed before the District Collector. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

To

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No.144, Anna Salai
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 6. The District Collector, Thiruvallur.
- + 1 cc to Mr.S.K.Raameshuwar, Advocate Sr 23617
- + 1 cc to Mr.N.R.Anantha Rama Krishnan, Advocate Sr 23800
- KR/22/4/16

सत्यमेव जयते

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