

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2016

Coram

The Hon'ble Mr. Justice T.S.SIVAGNANAM

Writ Petition No.22326 of 2011

&

M.P.No.1 of 2011

P.Swaminathan

...Petitioner

Vs.

1. The Superintending Engineer
General Construction Circle,
Tamilnadu Electricity Board
Tatabad, Coimbatore-641 012
2.The Executive Engineer
Civil Transmission Line General
Construction Circle
Tamilnadu Electricity Board
Tatabad, Coimbatore-641012
3. The District Collector
Coimbatore
suo motu impleaded as
3rd respondent.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents herein not to erect any electric poles in S.F. No. 32/2A 32/2B 32/1A 51 57 58 59/1A 41 60 and 61 of Jadayampalayam Village Mettupalayam Taluk and Coimbatore District without following due process of law.

For Petitioner : Mr.R.Nalliyappan
For Respondents : Mr.S.K.Raameshuwar for R1 and 2
Mr.R.Rajeswaran, Spl.G.P for R3
Mr.U.Venkatesan for R3

O R D E R

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

2. Petitioner has filed this writ petition praying for

issuance of a writ of mandamus forbearing the respondents from in any manner erecting the electric poles in the lands owned by the petitioner without following due process of law.

3. The petitioner is said to have purchased the land with a proposal to erect a paper industry under the name and style of Shri Sakthi Papers India Private Limited. In order to show that petitioner has taken bonafide steps the proceedings of District Environmental Engineer, TNPCB, Coimbatore dated 08.11.2010 has been produced to show that consent has been granted under the Water and Air Act.

4. Learned counsel appearing for the respondents submitted that the project is of utmost importance commenced during the year 2008 and the land in question is a vacant land and the alignment has been done in the proper manner and there is no deviation in the route and they have also scrupulously followed the provisions of the Electricity Act, 1948 by giving publication. However, the petitioner has not lodged any objections to those publications. It is further submitted that 35 towers have been already erected which according to the respondent amounts to completion of 75% of the project. However, learned counsel for the respondents submitted that they will move the District Collector by way of appropriate applications and the District Collector may be directed to consider the objections in accordance with law. For this purpose, this Court suo motu impleads the District Collector, Coimbatore district as 3rd respondent.

5. Accordingly, the writ petition is disposed of by directing the respondents Board to file appropriate application before the 3rd respondent which shall be disposed of within a period of eight weeks from the date of receipt of the application after notice to the petitioner and hearing him in person. Till the orders are passed by the District Collector, the status quo which was granted earlier i.e., on 28.09.2011 shall continue. No costs. Connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

kpr

To

1. The Superintending Engineer
General Construction Circle,
Tamilnadu Electricity Board
Tatabad, Coimbatore-641 012

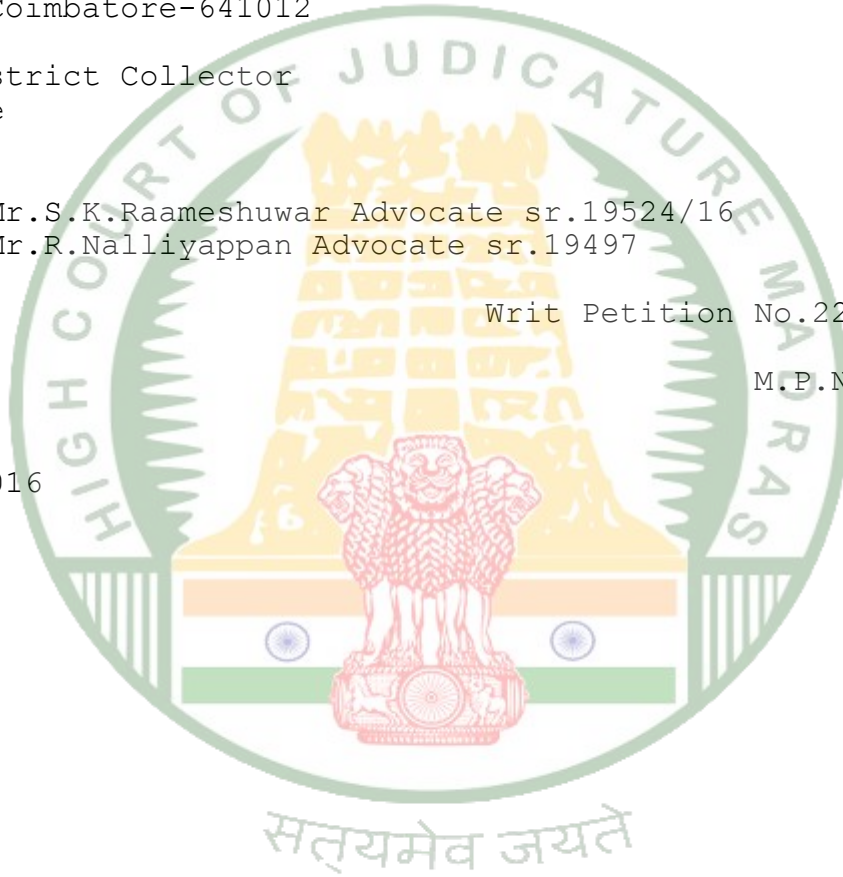
2.The Executive Engineer
Civil Transmission Line General
Construction Circle
Tamilnadu Electricity Board
Tatabad, Coimbatore-641012

3. The District Collector
Coimbatore

+1 cc to Mr.S.K.Raameshuwar Advocate sr.19524/16
+1 cc to Mr.R.Nalliyappan Advocate sr.19497

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