

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1733 of 2016 & WMP.No.1514/2016

C.Pushparani

.. Petitioner

V.

- 1.The Chairman
Tamilnadu Electricity Board
Chennai.
- 2.The Superintendent Engineer
Tamilnadu Generation & Distribution
Corporation Ltd., Tiruppur.
- 3.The Assistant Engineer
Tamil Nadu Generation & Distribution
Corporation Ltd., Salaiputhur,
Sulur Taluk, Coimbatore District.
- 4.The Junior Executive Engineer
Tamil Nadu Generation & Distribution
Corporation Ltd., Salaiputhur
Sulur Taluk, Coimbatore District.

5.S.Lakshmanan

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents from transporting high tension power line through petitioner's land at S.F.No.202/A2 in Sencheriputthur Village of Sulur Taluk of Coimbatore District by considering the objections/representations of petitioner dated 08.12.2015 and 17.12.2015.

For Petitioner .. Mr.N.Ponraj
For RR 1 to 4 .. Mr.S.K.Rameshwar,
Standing counsel

ORDER

Heard Mr.N.Ponraj, learned counsel for the petitioner; Mr.S.K.Rameshwar, learned Standing Counsel accepting notice for respondents 1 to 4 and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2.In the light of the fact, this Court is not inclined to go into the merits of the allegations made by the petitioner as against the respondent Board and the 5th respondent. Notice to the 5th respondent is dispensed with. The grievance of the petitioner is with regard to the erection of the high tension power line on his land in S.F.No.202/A2 in Sencheriputthur Village of Sulur Taluk of Coimbatore District, contending that the said power line is being drawn to the benefit of a private party viz., the 5th respondent. In this regard, the petitioner submitted objections dated 08.12.2015 and 17.12.2015 for which the 3rd respondent sent a communication to the petitioner on 26.12.2015 calling upon the petitioner to produce all the documents. The petitioner has produced those documents and he relies upon a receipt issued to the petitioner by the office of the 3rd respondent. In the meantime, the petitioner has also filed a civil suit before the Principal District Court, Coimbatore in O.S.No.17 of 2016 praying for virtually an identical relief in this writ petition.

3.When this Court pointed out that the petitioner cannot exercise parallel remedies, the learned counsel, on instructions, submitted that the petitioner would withdraw the said suit and requests the Court to direct the 3rd respondent to consider the petitioner's objections.

4.In the light of the undertaking given by the petitioner, the petitioner shall withdraw the suit and produce the copy of the same before the 3rd respondent. On production of the copy of the order, the 3rd respondent shall consider the objections of the petitioner dated 08.12.2015 and 17.12.2015 and the documents, which were given by the petitioner on 02.01.2016 and pass orders on merits and in accordance with law within a period of two weeks from the date on which, he produces a copy of the order withdrawing the suit.

5.With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/-
Assistant Registrar (Cs-IV)

/TRUE COPY/

Sub-Assistant Registrar

Sgl

To

1.The Chairman

Tamilnadu Electricity Board
Chennai.

2.The Superintendent Engineer

Tamilnadu Generation & Distribution
Corporation Ltd., Tiruppur.

3.The Assistant Engineer

Tamil Nadu Generation & Distribution
Corporation Ltd., Salaiputhur,
Sulur Taluk, Coimbatore District.

4.The Junior Executive Engineer

Tamil Nadu Generation & Distribution
Corporation Ltd., Salaiputhur
Sulur Taluk, Coimbatore District.

+1 CC to MR.N.Ponraj Advocate. SR.NO. 3143

+1 CC to MR.S.K.Rameshwar Advocate. SR.NO. 3981

W.P.No.1733 of 2016

CO-MSM

JD 01/02/2016

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