

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.21202 and M.P.No.1 of 2015

G.Thangarajan

...Petitioner

Vs

1. The Chairman

Tamilnadu Electricity Board,
NPKRR Malligai,
No.144- Anna Salai,
Chennai - 600 002

2. The Chief Engineer,

Tamilnadu Transmission Corporation,
NPKRR Malligai,
No.144- Anna Salai,
Chennai - 600 002

3. The Superintending Engineer,

General Construction Circle
Tamilnadu Transmission Corporation,
No.182-Doctor Subbarayan Salai,
Tatapath, Coimbatore - 641012

4. The District Collector,

Erode District,
Perundurai Road,
Erode - 638 011

...Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents-authorities from erection of Sub Stations electrical towers and transmission of lines in respect of petitioner's property comprised in R.S.No.132/3, 134 situated at Kodumanal Village, Perundurai Taluk, Erode District.

For Petitioner :Mr.M.K.Myilsamy

For Respondent Nos.1 to 3:Mr.P.H.Arvind Pandian, AAG
Assisted by Mr.S.K.Rameshwar

For Respondent No.4 : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

Heard Mr.M.K.Myilsamy, learned counsel appearing for the petitioner and Mr.P.H.Arvind Pandian, learned Additional Advocate General assisted by Mr.S.K.Rameshwar, learned counsel for the respondent nos. 1 to 3 and Mr.R.Rajeswaran, learned Special Government Pleader appearing for respondent no.4. With the consent of either side the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner seeks for the issuance of a Writ of Mandamus to forbear the respondents from erecting of electrical towers and transmission of lines in the petitioner's property comprised in R.S.No.132/3, 134 situated at Kodumanal Village, Perundurai Taluk, Erode District.

3. The allegation made by the petitioner is that if the route is taken through the original alignment, the petitioner's property will not be affected. However, for the reasons best known the original route has been diverted thereby the petitioner's property would be affected.

4. This contention was prima facie accepted by this Court while entertaining the Writ Petition and the order of Interim Injunction was granted on 06.08.2015. The said order continues to remain in force till date. As a result, the towers have not been laid in the petitioner's property.

5. The learned Additional Advocate General assisted by Mr.S.K.Rameshwar, learned standing counsel for the respondents 1 to 3 on instructions submitted that as of now neither towers have been erected nor the lines have been drawn and the respondents 2 and 3 will move the District Collector by way of proper application which shall then be directed to consider after notice to all concerned.

6. In the light of the said submissions, liberty is granted to the respondents 2 and 3 to file appropriate application before the District Collector and if such application is filed, the District Collector, after notice to the petitioner and the respondents 2 and 3 consider the matter, take note of all the details placed and also call for appropriate inspection report to be submitted on the inspection conducted in the presence of the parties and if any Committee is constituted for such purpose, the views of the Committee shall also be considered after affording opportunity of personal hearing to the petitioner. The 3rd respondent is directed to pass final orders on merits and in accordance with law.

7. The above direction shall be complied with within a period of eight weeks from the date on which application is filed by the respondents 2 and 3 before the 4th respondent. Till orders are passed by the 4th respondent in terms of the above direction, the Interim Order granted by this Court on 06.08.2015 shall continue.

In the result, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ssd

To

1. The Chairman
Tamilnadu Electricity Board,
NPKRR Malligai,
No.144- Anna Salai,
Chennai - 600 002
2. The Chief Engineer,
Tamilnadu Transmission Corporation,
NPKRR Malligai,
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3. The Superintending Engineer,
General Construction Circle
Tamilnadu Transmission Corporation,
No.182-Doctor Subbarayan Salai,
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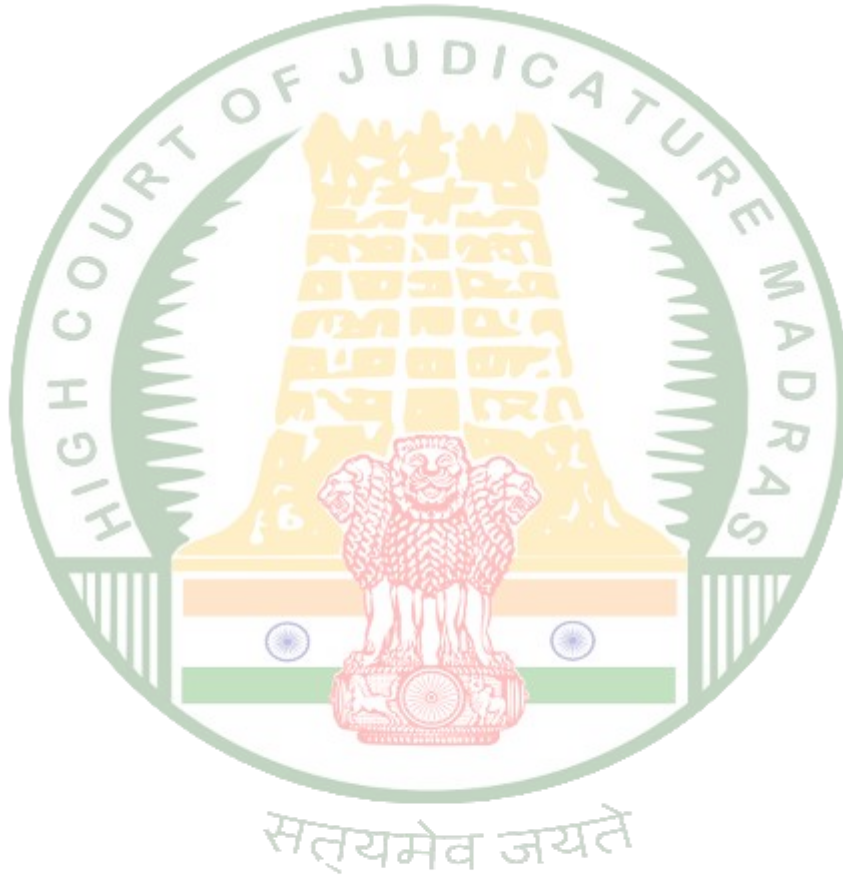
4. The District Collector,
Erode District,
Perundurai Road,
Erode - 638 011

1 cc to Government Pleader, Sr. 14989
1 cc to Mr.S.K. Raameshuwar SC for TNEB, Sr. 15204
1 cc to Mr.K. Myilsamy, Advocate, Sr. 15188

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