

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-05-2016

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Writ Petition No.18197 of 2016

K.Arumugam

[PETITIONER]

S/o.Krishnasamy Chettiar
153, Mahaliamman Koil Street
Coimbatore-641 001.

Vs.

1 The Assistant Executive Engineer, /TLC II/
Mettupalayam Power House Campus
Sirumugai Road Mettupalayam
Coimbatore-641 301.

2 The Superintending Engineer/GCC
182 Dr.Subbarayan Road TATABAD
Coimbatore-641 012.

3 The Chief Engineer /Distribution
Coimbatore Region
Dr.Rajendra Prasad Road
TATABAD Coimbatore-641 012. [RESPONDENTS]

Writ petitions filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents from drawing the electric tower line along with the border of the petitioners property situated in Gobi registration Punjai Puliampatti Sub Registration Tiruppur District Avinasi Taluk Alandur Village (Id S.No.717) S.F.No.717/1A S.No.717/1B S.F.No.717/3 S.F.No.717/6A S.F.No.717/6B S.F.No.717/2A S.F.No.717/2B S.F.No.717/4 S.F.No.717/5 and S.F.No.717/7 totalling 6.19 Acres instead of diametrically cutting the field into two parts as proposed by the respondents.

For Petitioner : Mr. C. Deivasigamani
For Respondents : Mr. S.K. Rameshwar

ORDER

By consent, the main writ petition is taken up for final disposal. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. Mr. C. Deivasigamani, learned counsel for the petitioner would submit that the petitioner is the owner of the property situated in Gobi registration Punjai Puliampatti, Sub Registration, Tiruppur District Avinasi Taluk Alandur Village (Id S.No.717) S.F.No.717/1A S.No.717/1B S.F.No.717/3 S.F.No.717/6A S.F.No.717/6B S.F.No.717/2A S.F.No.717/2B S.F.No.717/4 S.F.No.717/5 and S.F.No.717/7 totalling 6.19 Acres. Whiles, the third respondent without issuing any notice and informing the petitioner is digging the land for erecting electric towers violating the principles of natural justice. He further submitted that the objections of the petitioner was not considered and therefore, he made a representation dated 02-05-2016 to the respondents in person.

3. The learned Standing Counsel appearing for the respondents would submit that in similar writ petitions, in W.P.Nos.30734, 39191 and 29192 of 2015, this Court has directed the Electricity Board to approach the concerned District Collector, who shall consider the representation of the petitioner's objections, issue notice to the respondent Board as well as the petitioner and after hearing the parties, shall pass a reasoned order on merits and in accordance with law.

4. Taking into consideration of the submission made by the learned Standing Counsel, the writ petition is disposed of on the same terms. Accordingly, the writ petition is disposed of and the respondent-Electricity Board is directed to approach the District Collector, Tiruppur to enter into the land of the petitioner for erecting towers. The District Collector shall issue notice to the respondent-Board as well as the petitioner and after hearing the parties, shall pass a reasoned order, on merits and in accordance with law, as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. Till then, the respondents shall not enter into the land of the petitioner. No costs. The connected W.M.P.No.15941 of 2016 is closed.
glp

-s/d-

Assistant Registrar (CS-VI) /
Vacation Officer

True Copy

Sub-Assistant Registrar

To

1

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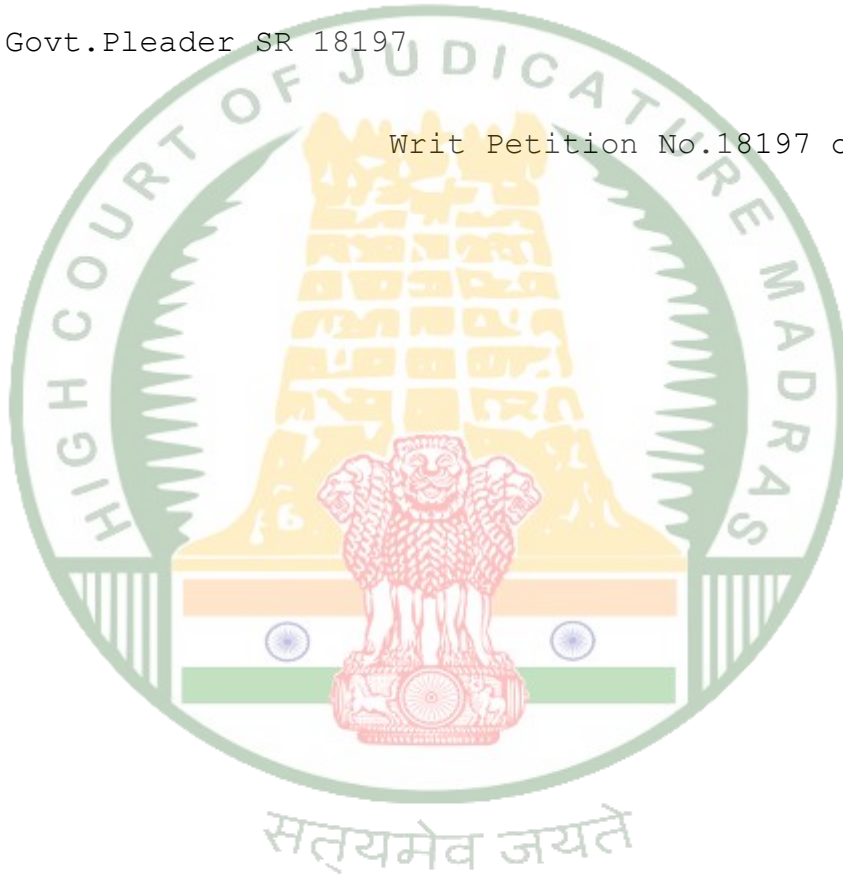
+ 1 cc to Mr.C.Deivasigamani, Advocate SR 28546

+ 1 cc to M/s.S.K.Raameshuwar, Advocate SR 28568

+ 1 cc to Govt.Pleader SR 18197

(co)
prk20/5

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