

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-08-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.25223 of 2015
and MP No1. 2 of 2015

K.Alagiriswami

... Petitioner

Vs

1.The District Magistrate (Collector)
Kancheepuram District,
Kancheepuram.

2.The Chief Engineer,
Transmission Project I,
TAN TRANSCO
Tamil Nadu Electricity Board,
A-10, Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

3.The Superintendent Engineer,
General Construction Circle - 2,
TAN TRANSCO,
Tamil Nadu Electricity Board,
A-10, Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

4.The Director
Transmission Projects,
TAN TRANSCO,
X Floor, NPKBR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.

5.The Additional Divisional Engineer,
General Construction Circle 2,
The Chennai Development Circle 2 Campus,
TAN TRANSCO,
Tamil Nadu Electricity Board,
A-10, Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

6.Chennai Metropolitan Development Authority,
Rep.by its Member Secretary, Thalamuthu
Natarajan Building, No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

7.The Commissioner,
Corporation of Chennai, Rippon Buildings,
Chennai - 3.

8.The Commissioner,
St.Thomas Mount Panchayat Union,
Chennai.

... Respondents

[R.6 to R.8 are suo moto impleaded as per
order dated 19.07.2016 in WP No.25223/2015]

Prayer: Petition filed under Article 226 of the Constitution of India for issue of writ of mandamus forbearing the respondents 1 to 5 and their subordinates from laying the 230 KV Transmission Line from Ottiyambakkam to Kits Park athrough the lands of the petitioner in Plot Nos.193 to 195 of South Chennai Co-operative Nagar, Perumbakkam and to remove the tower & foundation put up in the petitioner's plot 194 and 195, consequently to direct the respondents 6 to 8 to accord building planning permission and approval as and when it is applied for these plots without reference to passing of transmission line over the petitioner's plots 193 to 195 of South Chennai Cooperative Nagar, Perumbakkam. Prayer Amended as per order dated 23/08/2016 by NKKJ in WMP 22113/16 in W.p.25233/16

For Petitioner : Mr.P.Arivudainambi

For R1 & R8 : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

For R2 to R5 : Mr.P.R.Dhilip Kumar

For R6 : Mr.P.Tamilmani

For R7 : Mr.P.V.Selvakumar

O R D E R

The petitioner is the owner of Plot No. 195 ***and his daughter Ms.Asha Alagiriswami, is the owner of Plot Nos. 193 & 194** having purchased the same from Gandhi Nagar Co-operative Housing Society Limited. When the petitioner intended to develop the property, the respondents 2 to 5 erected High Tension Power Line tower covering both the Plot Nos.194 and 195. Therefore, the petitioner objected through his representation dated 11.07.2015, after getting a report from licensed surveyor and requested the respondents to shift the tower and line to an alternative place. Since no action has been taken, the petitioner has approached this court by way of this writ petition.

2. This Court, after hearing the learned counsel for the petitioner and the learned Additional Advocate General appearing for the Electricity Board, directed the Electricity Board to consider shifting of the tower to an alternative place at their own costs. Accordingly, joint inspection was conducted and the electricity board had taken a decision to shift the High Tension Power Line tower which is erected in Plot Nos.194 & 195 including the foundation, at their own costs.

3. The only contention of the learned counsel for the petitioner is that no tower is erected in Plot Nos.193, 194 & 195 but the High Tension Power Line is passing over and above Plot No.193 and therefore, relying upon Annexure XXI namely Regulation for the grant of TDR attached to Second Master Plan for Chennai Metropolitan Area, 2026, seeks a direction to the Chennai Metropolitan Development Authority to grant Transfer of Development Rights for the damage/damages or compensation which may be granted in favour of the owner of the property.

4. So far, the ***petitioner's daughter, Ms.Asha Alagiriswami** has not applied for TDR and therefore, there is no necessity for this court to give a direction as prayed for in the main writ petition as most of the relief claimed by the petitioner have already been given by the Electricity Board. Therefore, the ***petitioner's daughter, Ms.Asha Alagiriswami** is directed to give a representation to the sixth respondent claiming TDR. On receipt of such representation, the sixth respondent shall decide the matter and pass orders, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of representation from the petitioner.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)
Dated:26/08/2016

*Corrected as per order dated
31.08.2016 in W.P.No.25223/2015.

//True Copy//

Sub Assistant Registrar

To

1.The District Magistrate (Collector) To be substituted to
Kancheepuram District, the order already
Kancheepuram. despatched on 26.08.2016

2.The Member Secretary, Thalamuthu
Chennai Metropolitan
Development Authority,
Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

3.The Commissioner,
St.Thomas Mount Panchayat Union,
Chennai.

+1cc to Mr.P.R.Dhilipkumar, Advocate Sr.47821
+1cc to the Government Pleader Sr.48256
+2cc to Mr.P.Arivudainambi, Advocate ***Sr.49544**
+1cc to Mr.P.TamilMani, Advocate ***Sr.50097**

W.P.No.25223 of 2015

vsn[co]
srg 26/08/2016
srg 14/09/2016