

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P. No.5960 of 2013
and
M.P Nos.1 and 2 of 2013

Mr.N.Vijayakumar

... Petitioner

Vs

1. The Union of India
Rep by its Secretary,
Ministry of State (Independent Charge) for Power
New Delhi.
2. Power Grid Corporation of India Ltd.,
Rep by its Chairman,
B-9, Qutab Institutional Area,
Katwaroa Sarai, New Delhi 110 016.
3. The Deputy General Magager,
Power Grid Corporation of India Ltd.,
400/230, K.V.Sub Station, Kalivanthapattu,
Guduvancherry 603 202.
4. The District Collector,
Kanchipuram District,
Kanchipuram.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records of the 4th respondent in its order dated 6.3.2013 in Rc. No.1033/2013/M1, quash the same and to direct the Respondents to erect the tower in a straight route without affecting the lands belonging to the petitioner.

For Petitioner : Mr.T.Sundar Rajan

For 1st Repondent : No appearance

For Respondents 2&3 : Mr.Jayesh B.Dolia

For 4th Respondent : Mr.V.S.Ramesh
Government Advocate

ORDER

The petitioner has filed the present Writ Petition challenging the order passed by the District Collector, Kancheepuram dated 06.03.2013, wherein he had rejected the petitioner's request for erecting the Grid Tower to adopt an alternative route to be available in adjacent land and there by staring in the college campus.

2.Heard Mr.T.Sundar Rajan, learned counsel appearing for the petitioner and Mr.Jayesh B.Dolia, learned counsel on behalf of the respondents 2 & 3 and Mr.V.S.Ramesh, learned Government Advocate counsel appearing on behalf of the 4th respondent.

3.The learned counsel for the respondents 2 & 3 had filed a counter affidavit stating that all the works relating to Vallur Melakottaiyur has been completed including erection of a tower in the petitioner's land and that the line was already commenced on 07.01.2013 which is now in operation. The learned counsel further stated that the said project has been envisaged to cater the power requirements of the State of Tamil Nadu and in view of the completion of the work, the relief sought for in this Writ Petition has become infructuous.

4. At this juncture, I do not think that it would be proper to interfere with the line which had already been commenced and which is catering the benefits of the general public. The learned counsel for the petitioner would submit that no proper opportunity was granted by the District Collector while the order was passed. If the petitioner is aggrieved on that score, he is granted liberty to make a fresh application under Section 17(2) of the Indian Telegraph Act, stating all his grievances and on receipt of such an application, the District Collector, Kancheepuram, shall consider the same on its own merits and pass order in accordance with law as expeditiously as possible.

5. With the above observation the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jv

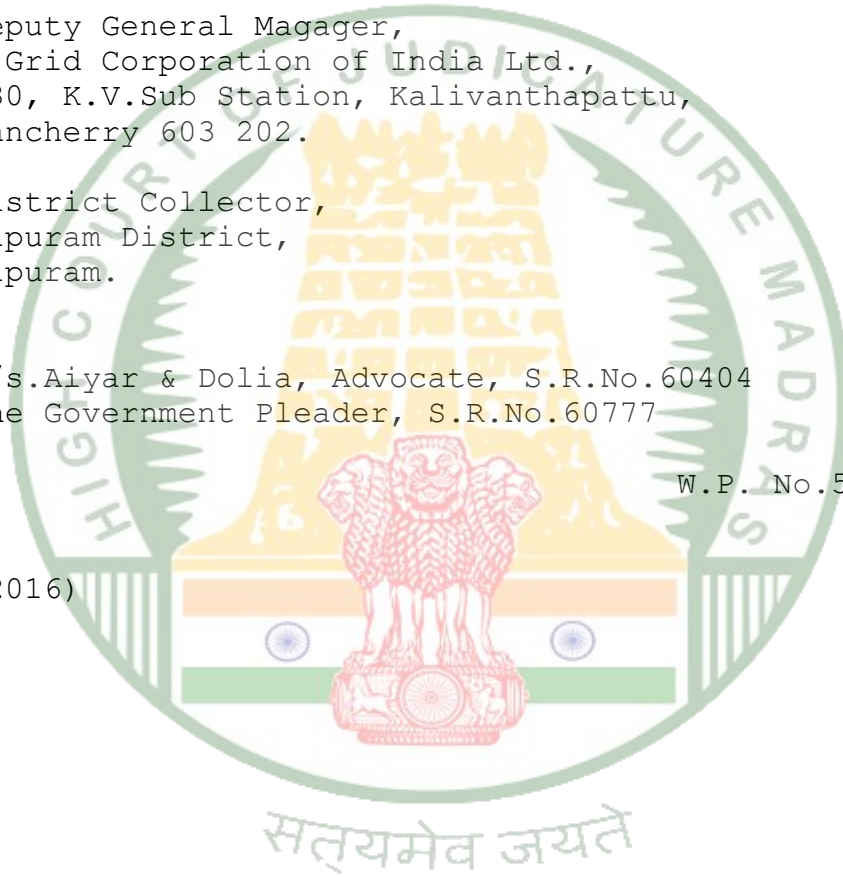
To

1. The Secretary, Union of India
Ministry of State (Independent Charge) for Power
New Delhi.
2. The Chairman,
Power Grid Corporation of India Ltd.,
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Katwaroa Sarai, New Delhi 110 016.
3. The Deputy General Magager,
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Guduvancherry 603 202.
4. The District Collector,
Kanchipuram District,
Kanchipuram.

+1cc to M/s.Aiyar & Dolia, Advocate, S.R.No.60404
+1cc to the Government Pleader, S.R.No.60777

W.P. No.5960 of 2013

SM(CO)
CA(23/11/2016)



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