

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. Nos.24673 & 24674 of 2016
and W.M.P.Nos.21061 & 21062 of 2016

K.Selvaraj ... Petitioner in WP No.24673 of 2016
K.Palanisamy ... Petitioner in WP No.24674 of 2016

Vs.

- 1.The District Collector,
District Collector office - Tirupur,
Palladam Road,
Tirupur.
- 2.Tamilnadu Generation and Distribution
Corporation Ltd.,
Rep.by its Chairman,
10th Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai-2.
- 3.The Superintending Engineer,
Tirupur Electricity Distribution Circle,
Tamilnadu Generation and Distribution
Corporation Ltd.,
19A, 19B, Jothi Nagar,
Perumanallur Road,
Tirupur.
- 4.The Superintending Engineer
Tamil Nadu Transmission Corporation,
General Construction Circle/Coimbatore,
182, TATABAD,
Coimbatore-12.

... Respondents in all WPs

COMMON PRAYER : Writ petitions filed under Article 226 of the Constitution of India for issue of writ of mandamus forbearing the 3rd and 4th respondents, their men, officers, representatives from in any manner erecting 230 KVA HT Line in the petitioners' agricultural land bearing S.F.Nos.298/3, 299, 300/1 & 300/6, Chettipalayam Village or draw high voltage electrical lines over them without following the provisions of the Electricity Act, 2003 and the Indian Telegraphic Act, 1885.

For Petitioners: Mr.S.P.Parthasarathy

For R-1 : Ms.T.Girija,
Government Advocate

For R-2 to R-4 : Mr.S.K.Rameshuwar

COMMON ORDER

The petitioners are the owners of the agricultural lands in S.F.Nos.298/3, 299, 300/1 & 300/6, Aathupalayam, Chettipalayam Village measuring to an extent of 6.47 acres. The petitioners are cultivating crops and also growing coconut trees which are five years old. However, the officers of the second respondent entered into the property of the petitioners with an intention to erect the 23 KVA HT Line in the petitioners' property.

2. Heard Mr.S.P.Parthasarathy, learned counsel appearing for the petitioners, Ms.T.Girija, learned counsel appearing for the first respondent and Mr.S.K.Rameshuwar, learned standing counsel appearing for the respondents 2 to 4.

3. It is the bounden duty of the respondents 2 to 3 to get permission under Section 16 of the Indian Telegraphic Act to enter upon the private land to erect towers. In this case also, the petitioners originally approached the first respondent and thereafter sent representations to the third respondent, as per the direction of the first respondent. So far, no reply has been received nor the respondents 2 to 4 applied to the first respondent under Section 16 of the Indian Telegraphic Act to get permission to enter upon the petitioners' property.

4. In view of the above said circumstances, the respondents 2 to 4 are prohibited from entering upon the property of the petitioners, without approaching the first respondent and getting permission under Section 16 of the Indian Telegraphic Act. As soon as notice is issued by the first respondent in the permission petition to be filed by the respondents 2 to 4 before the first respondent, the petitioners are at liberty to make the issue regarding compensation. On receipt of such claim of compensation from the petitioners, while deciding about the permission to be granted to the respondents 2 to 4, the first respondent shall also decide about the compensation to be paid to the petitioners.

5. In the result, both these writ petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
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182, TATABAD,
Coimbatore-12.

+2cc to Mr.R.S.Pandiyaraj, Advocate Sr.39979
+1cc to Mr.S.K.Raameshuwar, Advocate Sr.40529
+1cc to the Government Pleader Sr.40656

W.P. Nos.24673 & 24674 of 2016

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