

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.27196 of 2016

and WMP No.23345 of 2016

M.R.V. Raja High School
through its Correspondent,
Smt. E.Uma Maheswari
Kallathoor Road,
Pappagudi - 612 903.
Ariyalur District.

.... Petitioner

Vs

1.District Collector,
Ariyalur District
Ariyalur.

2. M/s.Power Grid Corporation of India Ltd.,
Rep.by its General Manager,
Bangalore - 560 001.

3. Chief Manager,
C/o Power Grid Corporation of India Ltd.,
Chennai - Kumbakonam Main Road,
Pappagudi - 612 903.
Ariyalur District.

.... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the 1st respondent to dispose the petitioner's representation submitted on the Grievance Day dt.11.07.2016 as per Section 17 (3) of Indian Telegraphic Act, 1885, for re-alignment of power transmission lines and forbearing the respondents 2 & 3 herein from drawing Overhead High Tension Power Transmission lines over and above the petitioner's School premises located at Kallathoor Road, Pappagudi till passing order on petitioner's representation acknowledged dated 11.07.2016 by the 1st respondent herein.

For Petitioners : Mr.AR.L.Sundaresan,
Senior Counsel for
M/s.V.Venkkatasamy

For Respondents : Mr.T.M.Pappiah,
Special Govt. Pleader
for R1

Mr.Jayes B. Dolia for
R2 & R3

O R D E R

The petitioner school is being run in the name of Ramalinga Nursery & Primary School in an extent of 7 acres 50 cents of lands comprised in Survey Nos.328/5B, 329/1B, 2A & 2B and 475/5B of Pappagudi (S) Village in Udayarpalayam Taluk in Ariyalur District and the said school is functioning from the academic year 2008-2009 onwards. Subsequently, permission has been granted to the petitioner school to start classes from VI to IX by the competent authority from the academic year 2014-2015. Another stretch of land to an extent of 5 acres is used as playground and for future expansion.

2. The petitioner would contend that the second respondent is trying to draw transmission line near the school building. Apprehending threat to the safety and security of the school students, the petitioner gave representation to the first respondent on 11.07.2016 on the grievance day. Though the representation has been given on 11.07.2016 to change the alignment so that the transmission line can pass through neighbouring property belonging to the petitioner school, so far no action has been taken by the first respondent. Hence, the petitioner has come before this court seeking writ of mandamus directing the first respondent to dispose of his representation dated 11.07.2016, under Section 17 (3) of the Indian Telegraphic Act, 1885 for re-alignment of power transmission lines.

3. Heard Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioner, Mr.T.M.Pappiah, learned Special Government Pleader appearing for the first respondent and Mr.Jayes B Dolia, learned counsel appearing for the second and third respondents.

4. There is no dispute with regard to ownership of the property and regarding the running of the school. The only grievance of the petitioner is that the power line is sought to be drawn by the respondents, close to the petitioner school building which would cause security threat.

5. However, Mr.Jayes B Dolia, learned counsel appearing for the second and third respondents would submit that

the power line is sought to be drawn 30 metres away from the school building. He would further submit that the second respondent has also given a petition to the first respondent on 28.06.2016 seeking permission under Section 16 of the Indian Telegraphic Act to enter upon the petitioner's premises for the purpose of erection of power line.

6. As both the petitioner as well as the second respondent have already approached the first respondent seeking respective relief, it is appropriate to direct the first respondent to consider and pass orders. Accordingly, the first respondent is directed to consider the representations of the petitioner as well as the 2nd respondent, on merits and in accordance with law, after hearing both the parties together by clubbing both the petitions, within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is open to the petitioner to file additional representation to the first respondent which shall be considered on merits and in accordance with law. Till the decision is taken and communicated to the petitioner on his representation dated 11.07.2016, the second respondent shall not enter upon the petitioner's property and draw line over or near the petitioner's property.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.District Collector,
Ariyalur District
Ariyalur.

2. M/s.Power Grid Corporation of India Ltd.,
Rep.by its General Manager,
Bangalore - 560 001.

3. Chief Manager,
C/o Power Grid Corporation of India Ltd.,
Chennai - Kumbakonam Main Road,
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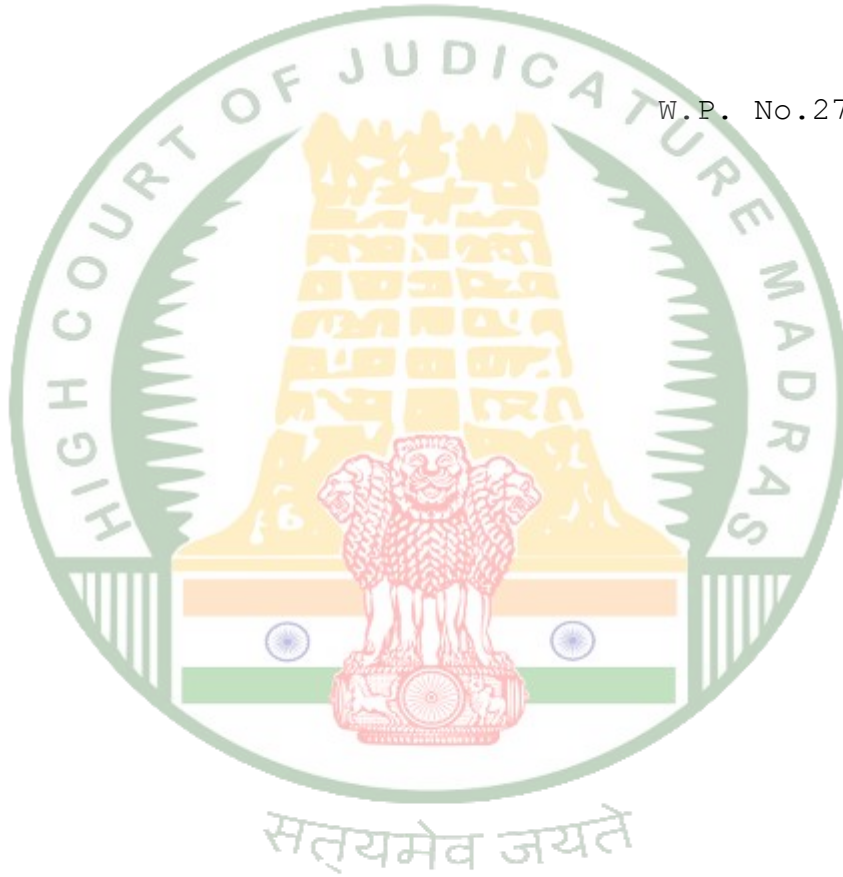
+1 cc to M/s.V.Venkkatasamy, Advocate,sr.44200

+1 cc to Govt.Pleader,sr.44872

+1 cc to M/s.Aiyar & Dolia, Advocate,sr.44311.

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W.P. No.27196 of 2016



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