

IN THE HIGH COURT OF JUDICATUARE AT MADRAS

DATED: 10-08-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.Nos.27821 to 27825 of 2016

and

WMP Nos.23997 to 24001 of 2016

S.SENTHILKUMR ..PETITIONER IN WP.NO.27821/2016
K.RATHIASAMY ..PETITIONER IN WP.NO.27822/2016
P.CHIDAMBARAM ..PETITIONER IN WP.NO.27823/2016
K.PALANISAMY GOUNDER ..PETITIONER IN WP.NO.27824/2016
K.PALANISAMY GOUNDER ..PETITIONER IN WP.NO.27825/2016

Vs.

1. The District Magistrate/District Collector,
Tirupur District, Tirupur.
 - 2.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Tatabad, Coimbatore - 12.
 - 3.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Perundurai, Erode District.
- ..Respondents IN ALL WPS.

WP.NO.27821/2016:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from erecting or drawing any High Tension Electricity Towers for EHD line in the petitioner's lands comprised in survey number 114/1-2P situated at Kalampalayam Village, Tirupur District, before considering the petitioners' representation / objection dated 21.07.2016 for change of its route without affecting rights of free usage of lands, on merits and in accordance with law and taking into consideration all relevant facts including alternative route, by following the provisions of Indian Electricity Act and Indian Telegraphic Act, within a reasonable time.

WP.NO.27822/2016:- Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from erecting or drawing any High Tension Electricity Towers for EHD line in the petitioners lands having an extent of 1 Acre comprised in Survey Number 168 situated at Pongupalayam Kalampalayam Village Tirupur District Before considering our representation/objection dated 3.6.2016 and 15.6.2016 for change of its route without affecting our rights of free usage our lands on merits and in accordance with law and taking into consideration of all relevant facts including alternative route by following the provisions of Indian Electricity Act and Indian Telegraph Act within a reasonable time.

WP.NO.27823/2016:-Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from erecting or drawing any High Tension Electricity Towers for EHD line in the petitioners lands comprised in Survey Numbers.140/2 and 139/2A situated at Kalampalayam Village Tirupur District Before considering our representation/ objection dated 8.6.2016 and 15.6.2016 for change of its route without affecting our rights of free usage our lands on merits and in accordance with law and taking into consideration of all relevant facts including alternative route by following the provisions of Indian Electricity Act and Indian Telegraph Act within a reasonable time.

WP.NO.27824/2016:-Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from erecting or drawing any High Tension Electricity Towers for EHD line in the petitioners agricultural land having an extent of 3 acres comprised in Survey Number.152 situated at Kalampalayam Village Tirupur District Before considering our representation/objection dated 3.6.2016 and 15.6.2016 for change of its route without affecting our rights of free usage our lands on merits and in accordance with law and taking into consideration of all relevant facts including alternative route by following the provisions of Indian Electricity Act and Indian Telegraph Act within a reasonable time

WP.NO.27825/2016:- Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from erecting or drawing any High Tension Electricity Towers for EHD line in the petitioners agricultural land having an extent of 5 Acres comprised in Survey Number.174, 175, 176 situated at Kalampalayam Village Pongupalayam Post Tirupur District Before considering our representation/ objection dated 3.6.2016 and

15.6.2016 for change of its route without affecting our rights of free usage our lands on merits and in accordance with law and taking into consideration of all relevant facts including alternative route by following the provisions of Indian Electricity Act and Indian Telegraph Act within a reasonable time.

For Petitioners in all WPs : Mr.A.V.Raja

For Respondents in all WPs : Mr.J.H. Inian,
Govt. Advocate for R1
Mr.S.K.Rameshuwar,
for R2 & R3.

COMMON ORDER

The petitioners are the owners of their respective properties comprised in Survey Nos.114/1-2P, 168, 140/2 and 139/2A, 152, 174 to 176 situated at Kalampalayam Village, Pongupalayam Post, Tirupur District respectively, and they have been cultivating various crops including coconut grove. In the first week of June 2016, the respondents proposed to establish 230 KV station at Eangur for which a high voltage electricity transmission line has to be drawn from Arasur to Eangur, across the petitioners' properties. Therefore, representations were given by the petitioners raising their objections. However, the said objections were not considered by the respondent Board which is attempting to erect the line, by installing the Towers. Hence, the petitioners are before this Court.

2. Heard Mr. A.V.Raja, learned counsel appearing for the petitioners, Mr.J.H. Inian, learned Government Advocate for the 1st Respondent and Mr.S.K.Rameshwar, learned Standing counsel appearing for the Respondents 2 & 3.

3. If any electricity line is to be drawn by the respondent Board and if there is any objection from the land owner, it is the bounden duty of the respondents to get permission from the District Collector, under Section 16 of the Indian Telegraphic Act. Without getting permission, the respondents cannot enter into the property and lay foundation or draw line across the property. Therefore, the second and third respondents are directed to approach the first respondent seeking permission to enter upon the petitioners' properties and draw the line across the properties, under Section 16 of the Act.

4. It is brought to the notice of this court that the petitioners have already given their objections vide letters dated 03.06.2016, 03.06.2016, 08.06.2016, 21.07.2016 and 21.07.2016 respectively, and therefore the first respondent is

directed to hear the petitioners as well as the third respondent and pass appropriate orders under Section 16 of the Indian Telegraphic Act.

5. A direction has been given to the first respondent with regard to the permission. The issue raised by the petitioners in the writ petitions is that the alternative alignment was not considered by the respondents. The electricity board, after taking experts opinion only, decides about the alignment and therefore the alignment, at the instance of one land owner cannot be changed. If that is going to be allowed, there will not be an end at all and every owner will be allowed to raise objection and the public project cannot be completed at the earliest. Therefore, while rejecting the plea of the petitioners, the first respondent is also directed to decide about the compensation to be paid to the petitioners, while passing orders under Section 16 of the Indian Telegraphic Act. The third respondent is directed to approach the authorities, within two weeks from the date of receipt of a copy of this order and on such approach, the first respondent, after giving notice to the petitioners, hear and decide the matter, within a period of four (4) weeks thereof.

6. Till the second and third respondent approaches the first respondent and the first respondent pass appropriate orders under Section 16 of the Indian Telegraphic Act, the respondents 2 and 3 are restrained from entering upon the petitioners' properties

7. With the above observation and direction, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.
rg/jv

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Magistrate/District Collector,
Tirupur District, Tirupur.

2.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Tatabad, Coimbatore - 12.

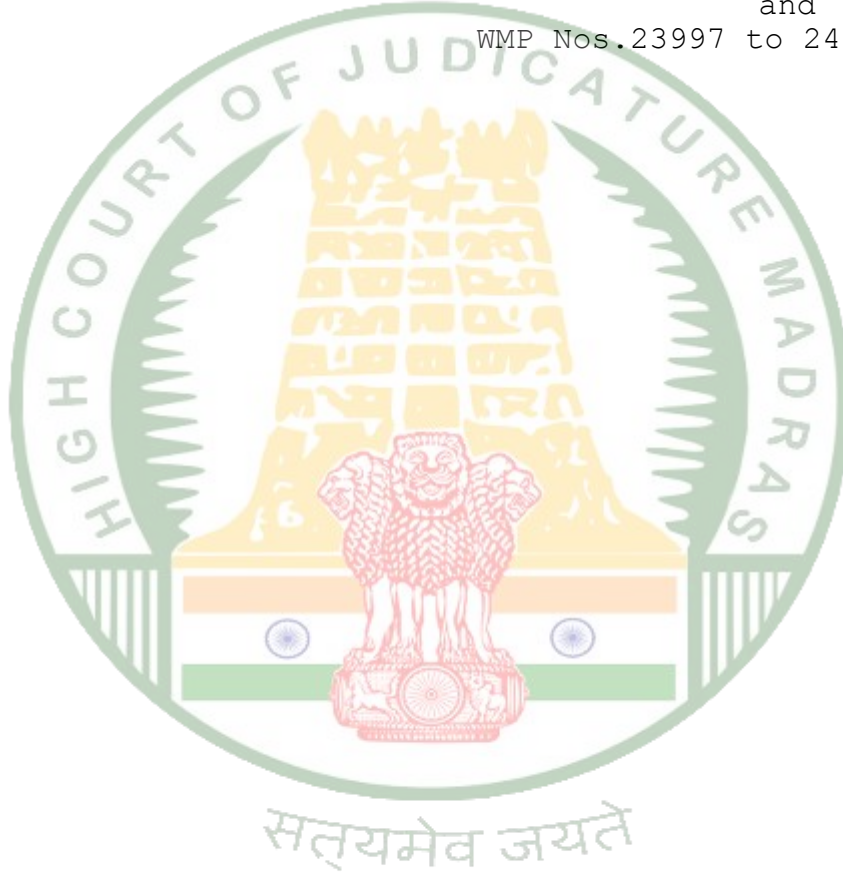
3.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Perundurai, Erode District.

+ 5 CCS TO MR.A.V.Raja, ADVOCATE SR 45725

+ 1 CC TO MR.S.K.Rameshuwar, ADVOCATE SR 46394

KR/1/9/16

W.P.Nos.27821 to 27825 of 2016
and
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