

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.Nos.30692 and 30693 of 2016

and WMP Nos.26591 and 26592 of 2016

G.Ramsamy [Petitioner in W.P.No.30692 of 2016]
G.Rajammal [Petitioner in W.P.No.30693 of 2016]

Vs

- 1 The District Magistrate/
District Collector, Tirupur District, Tirupur.
- 2 The Superintending Engineer
General Construction Circle
TamilNadu 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 both WPs

Prayer in WP No.30692/2016 : 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 Nos. 34/1 34/2 34/3 34/5 34/6 34/7 situated at Kanakkampalayam Village Tirupur District Before considering our representation / objection dated 27.08.2016 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 to be fixed by this Court.

Prayer in WP No.30693/2016 : 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 Nos. 122/2B 122/1B situated at Pongupalayam Village Tirupur District Before considering our representation / objection dated 27.08.2016 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 to be fixed by this Court.

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

For Respondents : Mr.T.M.Pappiah, SGP for R1
in both WPs Mr.S.K.Rameshuwar,
for R2 & R3.

COMMON ORDER

The petitioners are the owners of their respective properties comprised in Survey Nos.34/1, 34/2, 34/3, 34/5, 34/6, 34/7 situated at KaNAKKAMPalayam Village, and Survey Nos.122/2B and 122/1B situated at Ponngupalayam Village respectively in Tiruppur District, 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. However, they are 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.T.M.Pappiah, learned Special Government Pleader for the 1st Respondent and Mr.S.K.Rameshuwar, 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 Telegraph 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 27.08.2016 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 Telegraph Act.

5. Now, coming to the issue raised by the petitioners in the writ petitions 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 Telegraph 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 Telegraph Act, the respondents 2 and 3 are restrained from entering upon the petitioners' properties

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

Sd/-

Asst.Registrar (CS VI)

/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.

+2 cc's to Mr.A.V.Raja,advocate,sr.49974.

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krd 19/9

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