

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.44314 of 2016

and

W.M.P No.38180 of 2016

01. M.Selvakumar
02. R.Kumar
03. R.Krishnan
04. M.Karuppathal
05. N.Sathamani
06. V.Gopalakrishnan
07. K.Kaliyappan
08. Lavanya Gnanaguru
09. V.Umeshkumar
10. S.Vijayalakshmi
11. S.Thirumagal
12. N.Eswaramurthy
13. R.Sivamani

... Petitioners

-vs-

1. The District Collector
Tiruppur District
Tiruppur 641 601
2. The Tamil Nadu Transmission Corporation Limited
rep.by its Chairman/Managing Director
Anna Salai
Chennai 600 002
3. The Superintending Engineer
Tamil Nadu Transmission Corporation Limited
182, Dr.Subbarayan Road
Tatabad
Coimbatore 614 012
4. The Executive Engineer
Transmission Line Construction
Tamil Nadu Transmission Corporation Limited
Perundurai, Erode Dt.

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the first

respondent to consider the petitioner's objections dated 14.12.2016 as against the erection of 230 KV (Arasur-Ingur) High Tension Electric Towers by the 2-4 respondents in SF Nos.196,197,198,199,200,201,218,219 & 220 of Rakkiyapalayam Village, Avinashi Taluk, Tiruppur District and pass orders on the same in accordance with provisions of Electricity Act 2003 and the Indian Telegraph Act 1885 within the time stipulated by this Hon'ble Court.

For Petitioners :: Mr.S.Thirumavalavan

For Respondents :: Mr.M.Elumalai
Government Advocate for R1

Mr.S.K.Rameshuwar for R2 to 4

ORDER

Thirteen petitioners have jointly moved this writ petition with a prayer to issue a writ of mandamus, directing the District Collector, Tiruppur, the first respondent herein to consider their objections dated 14.12.2016, as against the erection of 230 KV (Arasur-Ingur) High Tension Electric Towers by the respondents 2 to 4 in SF Nos.196,197,198,199,200,201,218,219 & 220 of Rakkiyapalayam Village, Avinashi Taluk, Tiruppur District and pass appropriate orders in accordance with the provisions of the Electricity Act, 2003 and the Indian Telegraph Act, 1885 within the time stipulated by this Hon'ble Court.

2. Learned counsel for the petitioners submitted that when all the petitioners are owning lands in Rakkiapalayam village in Avinashi Taluk in the survey field numbers in question, the respondents 2 to 4 have proposed to provide the high tension electric towers to transmit power from Arsur 400 KV sub station to Ingur 220 KV sub station through the patta lands of the petitioners. Adding further, he submitted that when the petitioners have no objection at all for the erection of towers in their village, the respondents 2 to 4, while proposing the high tension lines, have wrongly chosen/identified the patta lands of the petitioners depriving their right to livelihood, instead of erecting the towers on the poromboke lands in the neighbouring area connecting Nallar river. Therefore, the petitioners have given a representation to the first respondent-District Collector, Tiruppur, who is the competent authority under the Indian Telegraph Act, on 14.12.2016 to consider their objections and without considering the objections made by the entire villagers, the respondents 2 to 4 cannot proceed to complete the erection of high tension towers encroaching into the patta lands owned by the petitioners. He has also placed on

record a sketch to show that when the respondents 2 to 4 proposed to cross the Nallar river twice, this has been properly communicated in their representation that instead of crossing the Nallar river twice, they can erect the high tension towers through the alternative route, which will not affect the lands belonging to the petitioners. But this also has not been considered. Therefore a direction should be issued to the District Collector, Tiruppur to consider the pending representation, failing which the petitioners, who are depending upon their lands, will be put to grave prejudice, he pleaded.

3. Mr.S.K.Rameshuwar, learned standing counsel, taking notice on behalf of the respondents 2 to 4, submitted that out of the 229 locations, stub setting work in respect of 159 locations had been completed. The learned standing counsel also submitted that the representations given by the second petitioner herein on 26.7.2016 and 20.8.2016 to the third respondent-Superintending Engineer, Tamil Nadu Transmission Corporation Limited, Coimbatore in this regard were disposed of already. However, the general representation made by the petitioners is pending consideration before the first respondent-District Collector, who is the competent authority.

4. This Court, keeping in mind the objections made by the petitioners through their representation dated 14.12.2016, hereby directs the District Collector, Tiruppur, the first respondent/competent authority to consider the pending representation/objections made by the petitioners dated 14.12.2016 and pass appropriate orders in accordance with the provisions of the Electricity Act, 2003 and the Indian Telegraph Act, 1885, after hearing the parties concerned, within an outer time limit of three weeks from the date of receipt of a copy of this order. Needless to mention that the respondents 2 to 4 shall await the orders of the first respondent in the matter and both the parties shall extend their co-operation for early disposal of the matter by the first respondent. With this observation, the writ petition is disposed of accordingly. Consequently, W.M.P.No.38180 of 2016 is closed. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ss

To

1. The District Collector
Tiruppur District
Tiruppur 641 601

2. The Chairman/Managing Director
Tamil Nadu Transmission Corporation Limited
Anna Salai
Chennai 600 002

3. The Superintending Engineer
Tamil Nadu Transmission Corporation Limited
182, Dr.Subbarayan Road
Tatabad
Coimbatore 641 012

4. The Executive Engineer
Transmission Line Construction
Tamil Nadu Transmission Corporation Limited
Perundurai
Erode District

+1cc to Mr.S.Thirumavalavan, Advocate sr.76025

+1cc to Mr.S.K.Raameshuwas, Advocate sr.76343

+1cc to The Government Pleader, High Court, Madras sr.76427

W.P.No.44314 of 2016



WEB COPY