

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.7038 of 2016

and

WMP.No.6251 of 2016

M.Ponnusamy

... Petitioner

Versus

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Assistant Director,
Tamil Nadu Electricity Board.
Dharmapuri.
3. Assistant Engineer,
Tamil Nadu Electricity Board,
Dharmapuri.
4. Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Dharmapuri.
5. The Project Manager,
Power Grid NM Transmission Ltd.,
400 KV Substation,
Konakapadi Post,
Thoppur,
Salem 636502.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents not to install any heavy electricity poles and lines in land at Survey No.645/2 and 644/1, Vellagoundanpalayam Village, Dharmapuri District based on the representation dated 11.02.2016.

For Petitioner : Mr.S.C.Vishwanth
For R1 : Mr.R.Rajeswaran,
Special Government Pleader
For RR2 to 4 : Mr.M.Varun Kumar
For R5 : Mr.Jayesh B.Dolia

ORDER

Heard the learned counsel for the petitioner ; Mr.Rajeswaran, learned Special Government Pleader accepting notice on behalf of the 1st respondent ; Mr.M.Varun Kumar, learned Standing counsel accepting notice on behalf of the respondents 2 to 4 and Mr.Jayesh B.Dolia, learned counsel accepting notice on behalf of the 5th respondent and with their consent, the writ petition is taken up for final disposal at the admission stage.

2. The petitioner seeks for a direction to the respondents not to install the electric poles in his lands in Survey No.645/2 and 644/1, in Vellagoundanpalayam Village, Dharmapuri District by considering his representation dated 11.02.2016.

3. According to the petitioner, the 3rd respondent is taking effective steps to erect electric poles and though he has impleaded the Power Grid Transmission Limited as a respondent in this writ petition, the learned counsel for the petitioner submitted that the work has not carried out by the 5th respondent and therefore, the 5th respondent is an unnecessary party and he is ready to give up the 5th respondent from the array of parties. The said submission is placed on record.

4. Learned counsel for the 3rd respondent submitted that sufficient time may be granted to the authority to consider the representation.

5. In the light of the above, there will be a direction to the 3rd respondent to consider the petitioner's representation dated 11.02.2016, on merits and in accordance with law, after issuing notice to the petitioner and after taking into consideration all the factors pleaded by him and pass orders. The above direction shall be complied with by the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Assistant Director,
Tamil Nadu Electricity Board.
Dharmapuri.
3. Assistant Engineer,
Tamil Nadu Electricity Board,
Dharmapuri.
4. Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Dharmapuri.
5. The Project Manager,
Power Grid NM Transmission Ltd.,
400 KV Substation,
Konakapadi Post,
Thoppur, Salem 636502.

+1cc to the Government Pleader, S.R.No.12567

W.P.No.7038 of 2016

GJ(CO)
CA(08/03/2016)