



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE **NOOTY.RAMAMOHANA RAO**
and
THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Writ Appeal (MD) No.118 of 2016

& C.M.P (MD) Nos.474, 475 and 6771 of 2016

K.Arangannal

... Appellant/Petitioner

-Vs-.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Tower Line Construction,
K.Pudur, Madurai - 625 007.

3.The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Tower Line Construction,
No.30, Subbaramaniyapuram 3rd Street,
North Extension, Karaikudi,
Chekkalai, Sivagangai District.

... Respondents/Respondents

Prayer:- Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 10.12.2015 made in W.P.(MD) No.21507 of 2015 on the file of this Hon'ble Court and allow this Writ Appeal.

Prayer in WP(MD). 21507/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents not to fix and pitching of electric tower pole and drawing of high tension electric wire in and through the petitioners land in S.Nos.265/6 and 265/8 situated at Managiri Sukanenthall, Karaikudi Taluk, Sivagangai District, by considering the petitioners writen representation dated 30.11.2015 or otherwise also as it is done without consent and permission and consequently directing the 2nd and 3rd respondents not to put up any electric tower pole and not to draw high tension electric wire in and through the petitioners above said land.



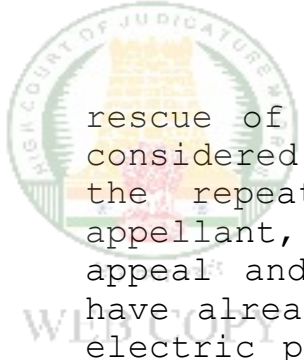
For Appellant : Mr.T.V.Sivakumar
For Respondent 1 : Mr.B.Pugalendhi
Additional Advocate General
assisted by Mr.M.Alagathevan
For Respondents 2&3 : No appearance

JUDGMENT

(Judgment of the Court was delivered by **NOOTY.RAMAMOohana RAO,J**)

This Writ Appeal is instituted by an Ex-service man calling in question the correctness of the order passed on 10.12.2015 by the learned Single Judge in W.P.(MD)No.21507 of 2015. The said Writ Petition is instituted seeking a writ of mandamus for directing the respondents not to fix and erect electric tower pole for drawing High Tension electric energy through the petitioner's land situated in Survey No.265/6 and 265/8, Managiri Sukanenthal, Karaikudi Taluk, Sivagangai District taking into account and consideration the representation submitted by the petitioner in that respect on 30th November, 2015. The writ petition is dismissed by the learned Single Judge holding that if any damage is caused to the petitioner's property, he is entitled to claim compensation as provided for under the Indian Telegraph Act, 1885.

2.The necessity to deal with various contentions canvassed by the learned counsel for the appellant and the learned Additional Advocate General appearing on behalf of the respondents has been obviated, as, upon noticing the fact that the petitioner being an ex-service man has been assigned certain land by the State Government and repeatedly the said land or a portion thereof is acquired for one public purpose or the other. Consequently, the very objective behind granting any such land was getting slowly frustrated and eroded completely. In those set of circumstances, we have requested the learned Additional Advocate General to take up the matter with the District Collector concerned for the purpose of providing suitable land as a measure of compensating the writ petitioner / appellant. We are happy to record that the District Collector, Sivagangai, has reacted favourably and directed the Village Administrative Officer of Managiri Sukanenthal, Karaikudi Taluk, to grant land of an extent of 0.02.28 hectares lying in Survey No.449/21 of Managiri Sukanenthal village. In fact, objections are invited and we are told that the process is likely to be finalised insofar as the assignment of the land is concerned. We hope and trust that within a maximum period of two months from today necessary patta would be granted by the District Collector, Sivagangai District, to the writ petitioner / appellant for the land which is identified now. As the State Government has already come to the



rescue of the writ petitioner / appellant by allotting him land considered appropriate by them, as a measure of compensation for the repeated acquisition of lands of the writ petitioner / appellant, no further orders are needed to be passed in the writ appeal and the writ appeal stands accordingly disposed of. We have already made it clear that the work relating to erection of electric poles which pass through the land belonging to the writ petitioner/appellant need not be withheld. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

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2.The Superintending Engineer,
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3.The Assistant Divisional Engineer,
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No.30, Subbaramaniyapuram 3rd Street,
North Extension, Karaikudi, Chekkalai, Sivagangai District.

+1 cc to M/s.S.M.S.Johny Basha, Advocate in SR.No.47390

+1 cc to M/s.S.Muruganandam, Advocate in SR.No.47540

+1 cc to The Special Government Pleader in SR.No.47408

SRM

CSL/SKS-RR/21.09.2016:3P/7C

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24.08.2016