



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.9090 OF 2013 & M.P(MD)No.1 of 2013

R.Srinivasan

..Petitioner

.vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Assistant Executive Engineer,
General Construction Circle,
Tamil Nadu Electricity Board,
K.Pudur,
Madurai.-7.

3.The Executive Officer,
General Construction and Distribution,
Tamil Nadu Electricity Board,
Bye-Pass Road, Angu Nagar,
Dindigul.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents not to erect any post and not to draw electrical transmission line over the petitioner's land in S.No.64/1B, Thathampatti Village, Vadipatti Taluk, Madurai District.

For Petitioner :Mr.D.Ghandiraj

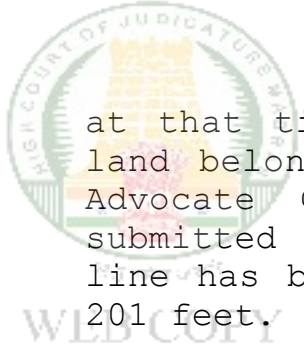
For Respondents :Mr.S.Kumar

Addl.Govt.Pleader for R1

ORDER

The petitioner has filed this Writ Petition for a Writ of Mandamus to direct the respondents not to erect any post and not to draw electrical transmission line over the petitioner's land in S.No.64/1B, Thathampatti Village, Vadipatti Taluk, Madurai District.

2. The case of the petitioner is that he is the owner of the agricultural land measuring to an extent of 69.50 Ares in Survey No.64/1B in Thathampatti Village, Vadipatti Taluk, Madurai District. He further submits that the respondents 1 and 2 are trying to draw an electrical line of 230 KV from Sempatty to Karaikudi, touching his land in Survey No.64/1B. Though the petitioner raised objections, it was the stand of the respondents



at that time that the electrical line is not drawn through the land belongs to the petitioner in Survey No.64/1B. However, an Advocate Commissioner was appointed by this Court, who has submitted his report confirming the fact that the transmission line has been drawn over the petitioner's land upto an extent of 201 feet.

3. The learned Counsel appearing for the petitioner relied upon the judgment of this Court in *S.J.Sagayamarsan -Vs- Superintendent Engineer TNEB General Construction Circle, Chennai and others* reported in AIR 2013 Madras 70 and another judgment in *R.Santhana Raj and others -Vs- The Chief Engineer, Non-Conventional Energy Source, Anna Salai, Chennai and six others* reported in 2012(1) CTC 504 in support of the case of the petitioner. In both the judgments, the petitioner is directed to approach the District Magistrate concerned who in turn has been directed to pass orders in terms of Section 16 of the Indian Telegraphic Act, within a stipulated time.

4. Though this Court has time and again directed the land owners to approach the District Magistrate under Section 17(2) of the Telegraph Act, 1885 either for the removal of the towers or to seek compensation in terms of Section 16, the petitioner has filed the present writ petition. Be that as it may, the petitioner has submitted his representation dated 15.05.2013, before the District Collector objecting to the drawl of transmission line over the land belonging to the petitioner. Hence, this Court feels that a direction can be issued to the first respondent to consider the representation/objections of the petitioner under Section 17(2) of the Telegraphic Act, 1885 within a period of four weeks from the date of receipt of a copy of this order, in the light of the judgment above referred to.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous petition is also closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The District Collector,
Madurai District,Madurai.

2.The Assistant Executive Engineer,
General Construction Circle,Tamil Nadu Electricity Board,
K.Pudur,Madurai.-7.



3.The Executive Officer,
General Construction and Distribution,
Tamil Nadu Electricity Board,
Bye-Pass Road, Angu Nagar, Dindigul.

WEB COPY

+1cc to M/s.D.Ghandiraj, Advocate in SR.31457

W.P (MD) No.9090 OF 2013
20.06.2016

gsr

PBK/KBM 29/06/2016 ::3P-5C::