

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.8845 of 2017
and W.M.P.Nos.9702 to 9704 of 2017

G.Kodhandaraman

...Petitioner

Vs.

1.The Superintending Engineer,
TANTRANSCO,
General Construction Circle-I,
F, Pillaipakkam - 110 KV Substation,
Tamil Nadu Electricity Board,
A 10, Thiru.vi.ka Industrial Estate,
Guindy, Chennai - 32.

2.The Director,
Transmission Projects,
TANTRANSCO,
X Floor, NPKRR Maligai,
144, Anna Salai, Chennai - 2.

3.The District Collector,
Kancheepuram District,
Kancheepuram.

4.The Sub-Collector,
Kancheepuram District,
Kancheepuram.

5.The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.

6.The Assistant Engineer,
TANTRANSCO,
General Construction Circle-I,
F, Pillaipakkam - 110 KV Substation,
Tamil Nadu Electricity Board,
A 10, Thiru.vi.ka Industrial Estate,
Guindy, Chennai - 32.

7.The Junior Engineer,
TANTRANSCO,
General Construction Circle-I,
F, Pillaipakkam - 110 KV Substation,
Tamil Nadu Electricity Board,
A 10, Thiru.vi.ka Industrial Estate,
Guindy, Chennai - 32. ...Respondents

Prayer: This writ petition filed under Article 226 of the Constitution of India, to issue a writ particularly in the nature of a writ of Certiorarified Mandamus, calling upon the records of the third respondent in proceedings bearing RC No.19460/2016/M1 dated 05.04.2017 which is passed on 06.04.2017 granting permission to the respondents to erect the tower in the property of the petitioner in which iron and steel scrap compressing unit in the name and style of Sri Sai Enterprises is functioning, comprised Survey No.281/1, bearing Patta No.500, situated in Kattarambakkam Village, Sriperumbudur Taluk, Kancheepuram District and quash the same and thereon consequently direct the respondents 1, 6 and 7 to remove the existing transmission tower unlawfully put in the said property of the petitioner situated for the purpose of laying the High Tension Electricity Tower from Pillaipakkam SIPCOT 110 KV SS to the the existing Irrungattukottai 110 KV SS Project.

For Petitioner : Mr.A.Palaniappan

For Respondents : Mr.S.K.Rameshwar (For R1, R2, R6 & R7))
Mr.K.J.Sivakumar
Government Advocate (For R3 to R5)

ORDER

Heard Mr.A.Palaniappan, learned counsel appearing for the petitioner, Mr.S.K.Rameshwar, learned counsel appearing for the respondents 1, 2, 6 and 7 and Mr.K.J.Sivakumar, learned Government Advocate appearing for the respondents 3 to 5.

2.A Scheme "Establishment of 110/33-11 KV SS" has been sanctioned as per the proceedings of the respondents in Proceedings No.108 dated 28.10.2014. The total cost of the Scheme is Rs.3716.31 Lakhs (Gross). The sanctioned erection was published in the locality both in English and Tamil. The route of the line has been approved by the Chief Engineer/Transmission/Chennai on 16.07.2015. The petitioner earlier filed a writ petition raising several grounds against the proposed erection of the overhead line through his land. The writ petition was disposed of to enable the third respondent

to pass appropriate orders under Section 110 r/w. 16 of the Indian Telegraphic Act, 1885. Thereafter, the impugned order was passed. It is this order which is under challenge before this Court.

3.The learned counsel appearing for the petitioner submit that there is an alternative route available. He would further submit that the entire action has been taken in a haste without even serving the order impugned.

4.The learned counsel appearing for the respondents 1, 2, 6 and 7 would submit that the impugned order has been passed on taking into consideration of the entire materials. The entire project has been completed and energized. Accordingly, 44 tower erection are completed. Thus, no interference required.

5.A perusal of the order would show that the objection of the petitioner has been heard and the petitioner has been given sufficient opportunities. The scope and ambit of Section 16 of the Indian Telegraphic Act, 1885 is very limited as already held by the Hon'ble Division Bench of this Court. Under Section 16 of the Indian Telegraphic Act, what is required is a permission to undertake and complete the work. As per the impugned order, it has been stated that any deviation of line is not possible in view of the near completion of the project. It will also lead to increase in cost apart from public interest being affected. It has been further stated that the land is kept vacant without any hindrance.

6.Therefore, this Court is of the view that no interference is required. The fourth respondent is not an appellate authority while exercising the power under Section 16 of the Indian Telegraphic Act, 1885. It is not a quasi-judicial order but an administrative order. The work is also completed and the power has been energized. Therefore, this Court does not find any reason to interfere with the impugned order.

7.Accordingly, the writ petition is dismissed. However, if the petitioner still wants the respondent concerned to consider the alternative route, it is for him to approach them. In such eventuality, the order passed by this Court will not stand in the way. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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Guindy, Chennai - 32.

+2cc to Mr.Palaniappan, Advocate, S.R.No.22461
+1cc to Mr.Rameshuwar, Advocate, S.R.No.22130

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BR(CO)
RS(17/04/2017)