

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2017

CORAM

THE HON'BLE MR.JUSTICE RAJIV SHAKDER
&
THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.A.No.994 of 2017
and
C.M.P.No.13885 of 2017

K.Arumugam Appellant/Petitioner

Vs.

1. The Chairman
Tamil Nadu Electricity Board
Anna Salai
Chennai - 600 002.
2. The Assistant Executive Engineer
TLC II Mettupalayam Power House
Campus
Sirumugai Road, Mettupalayam
Coimbatore - 641 301.
3. The Superintending Engineer/GCC
182, Dr.Suhbbarayan Road, TATABAD
Coimbatore - 641 012.
4. The Chief Engineer/Distribution
Coimbatore Region
Dr.Rajendra Prasad Road
TATABAD Coimbatore - 641 012.

5. The District Collector
Tiurppur.

... Respondents/Respondents

Writ Appeal filed under clause 15 of the Letters Patent,
praying to set aside the order passed in W.P.No.42046 of 2016
dated 30.11.2016.

W.P.No.42046 of 2016 : Writ Petition filed under article 226 of
the Constitution of India, praying for the issuance of a Writ of
Certiorarified Mandamus, calling for the records relating to the
proceedings of the 5th respondent in his proceedings in Na.Ka.
NO.8291/2016/vu4 dated 4.10.2016 quash the same consequently

directing the respondent to erect the electric towers in such a way that the electric line is laid passing through along with the border of the land in Alandur Village, Avinashi Taluk, Tirupur District (Id S. No.717) S.F. No.717/1A S. No.717/ 1B S.F. No.717/3 S.F. No.717/6A S.F. No.717/ 6B S.F.No.717/2A S.F. No.717/2B S.F. No.717/4 S.F. No.717/5 and S.F. No.717/7 covering an area of 6.19 acres of agricultural land.

For Appellant : Mr.C.Deivasigamani

For Respondents : Mr.P.S.Siva Shanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by RAJIV SHAKDER, J)

1. After some arguments, learned counsel for the appellant says that insofar as another landholder is concerned, the respondents have deviated from the plan evolved for erection of towers, whereas, in the appellant's case, despite request, the respondents did not agree to deviate from the plan, even though realignment is feasible.

1.1. On being queried, learned counsel for the appellant says that this fact came to notice only, after the order was passed by the learned Single Judge.

2. Learned counsel for the appellant, thus, says that he will move an appropriate application to bring the said fact to the notice of the learned Single Judge, and, therefore would like to withdraw the present appeal, with liberty being given in that behalf.

3. The appeal is, accordingly, dismissed as withdrawn, with liberty as prayed for, albeit, in accordance with law. Consequently, connected application will stand closed. There shall, however, be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Chairman
Tamil Nadu Electricity Board
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+lcc to the Government Pleader, S.R.No.64524

W.A.No.994 of 2017

VG II(CO)
CA(03/10/2017)



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