

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.Nos.32086 to 32088 of 2017
and
WMP Nos.35236 to 35238 of 2017

S.Periyasamy
S/o.Sadhasiva Gounder ...Petitioner in WP.No.32086 of 2017

V.N.Palanisamy
S/o.Nalla Naicker ...Petitioner in WP.No.32087 of 2017

V.Chinnasamy
S/o.Viswaraya Gounder ...Petitioner in WP.No.32088 of 2017

Vs.

1.The District Collector,
Erode District, Erode.

2.The Superintendent Engineer
General Construction Circle
TANTRANSCO
Dr.Subbarayan Road,
Tatabad, Coimbatore -12.

3. The Executive Engineer
General Construction Circle
TANTRANSCO, Ellamedu, Ingur,
Perundurai Taluk, Erode District.

...Respondents in all the W.Ps.

PRAYERS:

Writ Petition No.32086 of 2017 filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from erecting, drawing any High Tension Electricity Towers or Lines in the petitioner's Agricultural Lands bearing S.F.No.103/2 of Pungampadi Village, Perunthurai Taluk, Erode District, until the strict compliance of the Section 68 of the "Electricity Act, 2003" and the "Works of Licensees Rules, 2006".

Writ Petition No.32087 of 2017 filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from erecting, drawing any High Tension

Electricity Towers or Lines in the petitioner's Agricultural Lands bearing S.F.No.585/1 of Periyapuliyur Village, Bhavani Taluk, Erode District, until the strict compliance of the Sections 10 & 16 of the Indian Telegraphic Act, 1885 r/w Sections 68 & 164 of the Indian Electricity Act, 2003.

Writ Petition No.32088 of 2017 filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from erecting, drawing any High Tension Electricity Towers or Lines in the petitioner's Agricultural Lands bearing S.F.Nos.104/5, 104/7, 104/8, 104/9, 105/5 & 106/4 of Pungampadi Village, Perunthurai Taluk, Erode District, until the strict compliance of the Provisions of Section 68 of the "Electricity Act, 2003" and the "Works of Licensees Rules, 2006".

For Petitioners: Mr.V.Lakshminarayanan
for M/s.Va Vu Si Vazhakagam

For Respondents: Mr.R.Govindasamy,
Special Government Pleader for R1
Mr.Abdul Saleem,
Standing counsel for R2 & R3

C O M M O N O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the first respondent. Mr.Abdul Saleem, learned standing counsel takes notice for the respondents 2 and 3. By consent of the parties, these writ petitions are taken up for final disposal at the admission stage themselves.

2. In all these writ petitions, the respective writ petitioners seek mandamus, forbearing the respondents from erecting, drawing any High Tension Electricity Towers or Lines in the petitioners Agricultural lands referred to in these writ petitions.

3. It is stated that the petitioners have already made their objections before the first respondent / District Collector on 26.12.2016, 27.01.2017 and 30.01.2017 and therefore, the first respondent has to consider and decide the merits of the objections, after hearing the petitioners.

4. Needless to say that the first respondent / District Collector is the competent authority to decide the objections raised by the land owners under Section 16 of the Indian Telegraphic Act. Thus, all these writ petitions are disposed of, by directing the first respondent to consider the objections raised by the petitioners and pass orders on the same on merits and in accordance with law, after hearing the petitioners and other parties concerned. Such exercise shall be done by the first respondent within a period of four weeks from the date of

receipt of a copy of this order. Till an order is passed by the first respondent, the respondents 2 and 3 shall maintain status quo as on today. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Erode District, Erode.

2.The Superintendent Engineer
General Construction Circle
TANTRANSCO
Dr.Subbarayan Road,
Tatabad, Coimbatore -12.

3. The Executive Engineer
General Construction Circle
TANTRANSCO, Ellamedu, Ingur,
Perundurai Taluk, Erode District.

+3cc to M/s.Va Vu Si Vazhakagam, Advocate SR.No.88021, 88020,
88019

+1cc to Government Pleader SR.No.88163

+1cc to M/s.Abdul Saleem, Advocate SR.No.88269

W.P.Nos.32086 to 32088 of 2017

PPA (CO)
sm:26.12.2017

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