

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33028 of 2017
and
WMP.No.36400 of 2017

A.M.Sekar

S/o.A.Muthuvazha Vanthaan

.. Petitioner

versus

1. The District Collector
Coimbatore - 641 018.
 2. The Chairman
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO) No.144,
Anna Salai, Chennai-600 002.
 3. The Chief Engineer / G.C.C.,
Tamil Nadu Generation and Distribution Corporation Limited
Mannarpuram, Trichy- 620 020.
 4. The Superintendent Engineer / G.C.C.,
Tamil Nadu Generation and Distribution Corporation Limited
Tatabath, Coimbatore - 12.
 5. The Executive Engineer
Tamil Nadu Generation and Distribution Corporation Limited
Tatabath, Coimbatore - 12.
- .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 24.11.2017 for not to erect of the High Tension Electricity Tower in the petitioner land situated in Ka.Sa.No.448/1C2A and Ka.Sa.No.439/3E in Seerapalayam Village, Coimbatore Taluk and District by way of a registered sale deed Document No.1437/1995 dated 29.06.1995.

For Petitioner: Mr.T.Arunkumar

For Respondents: Mr.P.V.Selvakumar

Additional Government Pleader for R1

Mr.Abdul Saleem

standing counsel for R2 to R5

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for the first respondent. Mr.Abdul Saleem, learned standing counsel takes notice for the respondents 2 to 5. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for the following relief:

To direct the 1st respondent to consider the representation of the petitioner dated 24.11.2017, not to erect of the High Tension Electricity Tower in the petitioner land situated in Ka.Sa.No.448/1C2A and Ka.Sa.No.439/3E in Seerapalayam Village, Coimbatore Taluk and District, by way of a registered sale deed Document No.1437/1995 dated 29.06.1995.

3. Heard both sides.

4. It is seen that the petitioner is aggrieved against the proposed erection of High Tension Electricity Tower in his land situated at Ka.Sa.No.448/1C2A and Ka.Sa.No.439/3E in Seerapalayam Village, Coimbatore Taluk and District, by contending that the erection of tower will cause severe damage and hardship to the petitioner's property and it would affect the cultivation. The petitioner has already made his objection before the respondents on 24.11.2017. As the District Collector is the competent authority to decide these kind of objections under Section 16 of the Indian Telegraph Act, this Court, at this stage, is not inclined to entertain the present writ petition, as the petitioner has to agitate the matter only before the District Collector, Coimbatore, viz., the first respondent herein.

5. Therefore, this writ petition is disposed of, only by directing the first respondent to consider the objection raised by the petitioner through his representation dated 24.11.2017 and pass orders on the same on merits and in accordance with law, after hearing all the parties concerned. Till an order is passed by the first respondent, the respondents are directed to maintain status quo as on today. 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. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

1.The District Collector
Coimbatore - 641 018.

2.The Chairman
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO) No.144,
Anna Salai, Chennai-600 002.

3.The Chief Engineer / G.C.C.,
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Tatabath, Coimbatore - 12.

5.The Executive Engineer
Tamil Nadu Generation and Distribution Corporation Limited
Tatabath, Coimbatore - 12.

+ 1 cc to M/s.Tamizh Law Firm Advocate,SR.90709

+ 1 cc to Mr.Abdul Saleem Advocate,SR.90786

+ 1 cc to The Govt.Pleader, SR.91158

W.P.No.33028 of 2017

gj(co)
nr 10/01/2018

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