

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2017

CORAM

The Honourable MR. JUSTICE M.DURAISWAMY

W.P.No.23875 of 2017
and
W.M.P.No.25097 of 2017

P.Palanisamy

... Petitioner

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,
Peundurai Taluk, Erode District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of 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.24 and 23/1 of Kathirampatti Village, Erode Taluk, Erode District, until the strict compliance of the Sections 10 and 16 of the Indian Telegraphic Act, 1885, r/w Sections 68 and 164 of the Indian Electricity Act, 2003.

For Petitioner : Mr.Va Vu Si Vazhakagam

For Respondents : Mr.S.K.Rameshuwar,
Senior Counsel (R2 & 3)

Mr.O.Selvam,
Government Advocate (R1)

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ORDER

Mr.O.Selvam, learned Government Advocate takes notice for the 1st respondent and Mr.S.K.Rameshuwar, learned Standing Counsel takes notice for the 2nd and 3rd respondents. By consent, the main writ petition is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a writs of mandamus forbearing the respondents from erecting, drawing any High Tension Electricity Towers or Lines in his Agricultural Lands bearing S.F.Nos.24 and 23/1 of Kathirampatti Village, Erode Taluk, Erode District, until the strict compliance of the Sections 10 and 16 of the Indian Telegraph Act, 1885 (hereinafter referred to as "the Act") , r/w Sections 68 and 164 of the Indian Electricity Act, 2003.

3. The learned counsel appearing for the petitioner submitted that the petitioner has given objections to the 1st respondent on 27.02.2017, however, the 1st respondent has not passed any order so far.

4. Mr.S.K.Rameshuwar, learned Standing Counsel, appearing for the respondents 2 and 3 submitted that the 2nd and 3rd respondents have also given a representation to the 1st respondent on 15.03.2017 under Section 16 of the Act, however, the 1st respondent has not passed any order so far.

5. Mr.O.Selvam, learned Government Advocate, appearing for the 1st respondent submitted that the 1st respondent may be directed to pass orders on the representations given by the petitioner as well as the respondents 2 and 3 in accordance with law.

6. Having regard to the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, I direct the 1st respondent to consider the representations given by the petitioner as well as the respondents 2 and 3 and pass orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till such orders are passed, the respondents 2 and 3 are directed to maintain status-quo.

With this observation, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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To

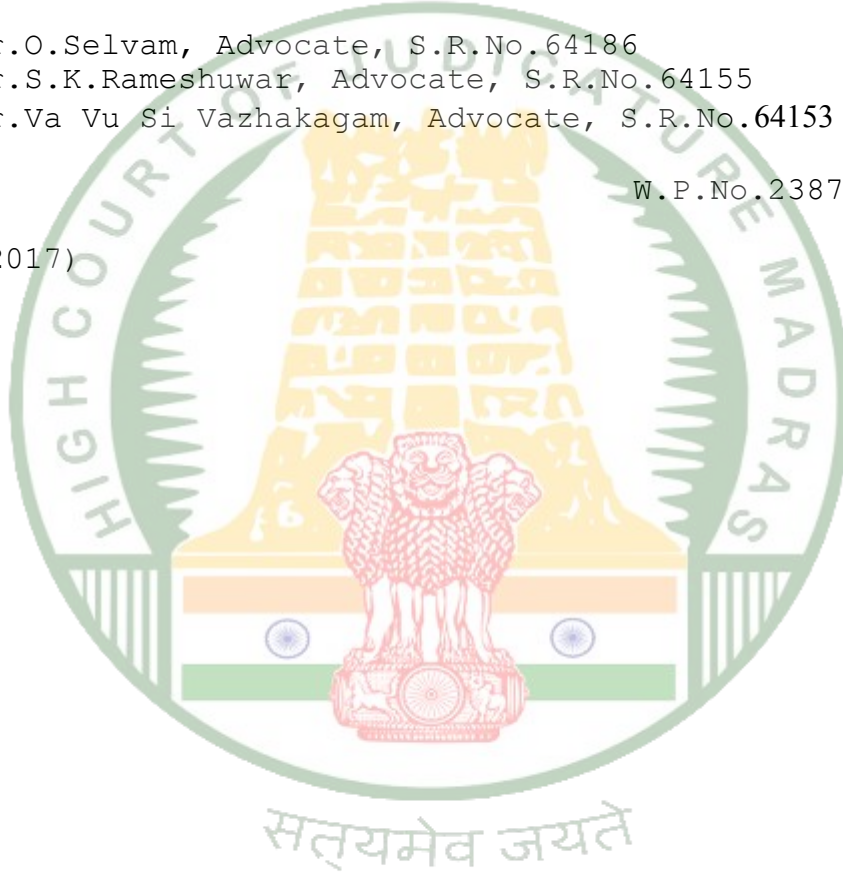
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Tatabad, Coimbatore 12.
3. The Executive Engineer,
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TANTRANSCO,
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Peundurai Taluk, Erode District.

+1cc to Mr.O.Selvam, Advocate, S.R.No.64186
+1cc to Mr.S.K.Rameshuwar, Advocate, S.R.No.64155
+1cc to Mr.Va Vu Si Vazhakagam, Advocate, S.R.No.64153

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