

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.3973 of 2017
and
W.M.P.No.4059 of 2017

M/s.Sree Rayalaseema Hi Strength
Hypo Ltd., rep. by its
Authorised Signatory K.Gurumoorthy ... Petitioner

Vs.

1.The Chief Engineer,
Transmission Projects I,
Tamil Nadu Transmission
Corporation Ltd.,
Chennai - 32.

2.The Superintending Engineer,
General Construction Circle I,
A10, Thiru.Vi.Ka. Industrial
Estate, Guindy, Chennai - 32.

3.The District Collector,
Kancheepuram District,
Tamil Nadu.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order dated 23.01.2017 issued by the third respondent in Rc.No.8015/2016/M1 and quash the same and further forbear the first and second respondents herein from in any way erecting High Transmission tower/lines in Survey No.217 of Tiruporur Village, Kanchipuram District, Tamil Nadu, belonging to the petitioner herein.

For Petitioner .. Mr.Hari Radhakrishnan

For Respondents .. Mr.S.K.Rameshwar for R1 & R2
Mr.S.Diwakar, Spl. Govt. Pleader
for R3

ORDER

This is the second round of litigation with respect to the very same issue. The issue is with respect to the shifting of high transmission line. This issue has emanated on the contention of the petitioner that the original route has been modified subsequently. According to the petitioner, the original route goes through the Government land, which has been modified by taking it through his lands. On the earlier occasion, this Court directed the third respondent therein to consider the objection of the petitioner and pass appropriate orders. In compliance with the order passed by this Court in W.P.No.8230 of 2015 dated 05.11.2015, the order impugned is passed. Challenging the same, the present writ petition has been filed.

2. Heard the learned counsel appearing for the petitioner, learned counsel appearing for respondents 1 and 2 and the learned Special Government Pleader appearing for the third respondent.

3. Learned counsel appearing for the petitioner submits that the direction issued by this Court in the earlier writ petition has not been complied with in letter and spirit. The issue has not been gone into specifically. Therefore, this writ petition will have to be allowed.

4. Learned counsel appearing for respondents 1 and 2 would submit that there was only one original line. It is only on the request of the petitioner, shifting was contemplated and that is the reason why, he was asked to make the requisite payment. Now, the entire work including the stringing work is over. This submission is made based upon the counter affidavit filed. In the counter affidavit also, it has been stated that the line has been laid as per the sanctioned approved route.

5. The power under Section 16 of the Indian Telegraph Act, 1885 is very limited. The third respondent took note of the fact that there was only one sanctioned approved route. Though the petitioner has made an allegation that the said route has been subsequently modified, there is no material to substantiate the same. On the contrary, it is the consistent stand of respondents 1 and 2 that there has been only one approved sanctioned route. That is the reason why the request of the petitioner was considered with the caveat to make the necessary charges. The decision of respondents 1 and 2 is a conditional one. The petitioner seeks as a matter of right that the erection of high transmission lines has to be done through the alternative route, without asking him to pay the amount for it. When once it is clear that there was only one approved sanctioned route, the

petitioner does not have a vested right to contend to the contrary. On facts, the entire work is over except the process of energising the lines.

6. Therefore, looking from any perspective, this Court does not find any reason to interfere with the order impugned. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Chief Engineer,
Transmission Projects I,
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Corporation Ltd.,
Chennai - 32.
2. The Superintending Engineer,
General Construction Circle I,
A10, Thiru.Vi.Ka. Industrial
Estate, Guindy, Chennai - 32.
3. The District Collector,
Kancheepuram District,
Tamil Nadu.

C.C. to MR.Hari Radhakrishnan. Advocate SR.NO.22586

C.C. to MR.S.K.Rameshuwar Advocate SR.NO.21893

W.P.No.3973 of 2017

PA (CO)
VS 24.04.2017

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