

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.Nos.29036 to 29038 of 2017
and
WMP Nos.31275 to 31277 of 2017

S.Madhappan
S/o.Sengodan

... Petitioner
(in WP.No.29036 of 2017)

K.Sakthivel
S/o.Kandasamy

... Petitioner
(in WP.No.29037 of 2017)

K.G.Ponnusamy
S/o.Ganesa Gounder

... Petitioner
(in WP.No.29038 of 2017)

vs.

1.The District Collector,
Salem District, Salem.

...1st Respondent
(in WP.Nos.29036 & 29037 of 2017)

2.The District Collector,
Erode District, Erode.

...1st Respondent
(in WP.No.29038 of 2017)

3.The Superintendent Engineer
General Construction Circle
TANTRANSCO
Aathur Bypass Road,
Udayampatti, Salem.

सत्यमेव जयते

...2nd respondent in
W.P.Nos.29036 & 29037/17.

4.The Executive Engineer
General Construction Circle
TANTRANSCO
Aathur Bypass Road,
Udayampatti, Salem.

...3rd Respondent
(in WP.Nos.29036 & 29037 of 2017)

5.The Superintendent Engineer
General Construction Circle
TANTRANSCO

Dr.Subbarayan Road
Tatabad, Coimbatore-12.

..2nd Respondent in
W.P.Nos.29036 of 2017

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

...3rd Respondent
(in WP.No.29038 of 2017)

PRAYER:

Writ Petition No.29036 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.59/3 of Kannamoochi Village, Mettur Taluk, Salem 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.29037 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.1264/1 of Alamarathupatti Village, Mettur Taluk, Salem 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.29038 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.236/3A, 257 & 262/10 of Kurichi 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.

For Petitioner : Mr.M.Easan
(in WP.Nos.29036 to 29038 of 2017)

For Respondents : Mr.A.Kumar
Special Government Pleader for R1
Mr.S.K.Rameshwar
Standing counsel for R2 & R3
(in WP.Nos.29036 to 29038 of 2017)

C O M M O N O R D E R

Mr.A.Kumar, learned Special Government Pleader takes notice for the first respondent. Mr.S.K.Rameshwar, 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 03.03.2017 and 23.10.2017 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 a 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.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Salem District, Salem.

2.The District Collector,
Erode District, Erode.

3.The Superintendent Engineer
General Construction Circle
TANTRANSCO
Aathur Bypass Road,
Udayampatti, Salem.

4.The Executive Engineer
General Construction Circle
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Aathur Bypass Road,
Udayampatti, Salem.

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

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

+3 Ccs to Mr. Easan, Advocate sr 80438,80439,80440.

+1 CC to Mr.S.K. Rameshwar, Advocate sr 80660.

+1 CC to Govt. Pleader sr 80960.



W.P.Nos.29036 to 29038 of 2017

RK(CO)
SP(29/11/2017)

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