

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition Nos.29915 and 29916 of 2017
and
WMP Nos.32413 and 32414 of 2017

N.Subramaniam .. Petitioner in W.P.29915/2017

Dr.Hamsa Subramaniam .. Petitioner in W.P.No.29916/2017

Vs.

1.The Chairman,
TANGEDCO,
Anna Salai,
Chennai 600 002.

2.The Executive Engineer,
(Electricity Transmission Line Construction),
Erode Electricity Distribution Circle,
Erode.

3.The Assistant Executive Engineer,
(Electricity Transmission Line Construction),
Erode Electricity Distribution Circle,
Erode.

4.The District Collector,
Erode District,
Erode.

.. Respondents

PRAYER in W.P.29915/2017: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to forbear the respondents 2 and 3 from erecting or laying foundation for tower in the petitioner's land measuring 1.05 Acres in Survey No.84/2, presently at Kathirampatti Village (as per Sale Deed Thottani Village), Erode Taluk and District and consequently direct the fourth respondent (District Collector, Erode District) to conduct an enquiry under section 16 of the Indian Telegraph Act, 1885, based on the petitioner's representation dated 01.11.2017.

PRAYER in W.P.29916/2017: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to forbear the respondents 2 and 3 from erecting or

laying foundation for tower in the petitioner's land measuring 3.44 Acres in Re-Survey No.110/1, to 114 Puthur Pudupallayam Village, Erode Taluk and District and consequently direct the fourth respondent (District Collector, Erode District) to conduct an enquiry under section 16 of the Indian Telegraph Act, 1885, based on the petitioner's representation dated 13.10.2017.

For Petitioners : Mr.R.Gandhi
in both W.Ps. Senior Counsel
for Mr.R.G.Narendhiran
For Respondents : Mr.Abdul Saleem for R1 to R3
in both W.Ps. Standing Counsel
Mr.P.V.Selvakumar for R4
Additional Government Pleader

C O M M O N O R D E R

In both these writ petitions, the respective writ petitioners seek for a mandamus forbearing the respondents 2 and 3 from erecting or laying foundation for tower in the respective petitioner's land measuring 1.05 Acres in Survey No.84/2, presently at Kathirampatti Village (as per Sale Deed Thottani Village), Erode Taluk and District and 3.44 Acres in Re-Survey No.110/1, Puthur Pudupallayam Village, Erode Taluk and District and consequently direct the fourth respondent to conduct an enquiry under section 16 of the Indian Telegraph Act, 1885, based on the petitioners' representation dated 01.11.2017 and 13.10.2017 respectively.

2.Heard Mr.R.Gandhi, learned Senior Counsel appearing for the petitioners, Mr.Abdul Saleem, learned Standing counsel appearing for the respondents 1 to 3 and Mr.P.V.Selvakumar, learned Additional Government Pleader appearing for the fourth respondent.

3.The petitioner in each writ petition claims to be the absolute owner of the subject matter property. They are aggrieved against the action of the respondents 1 to 3 in erecting towers and drawing power lines in and over the said lands by contending that such erection of tower and drawing of power line would cause great damage to their respective property. Ventilating such grievance, the petitioners have already made their representations to the fourth respondent viz., District Collector on 01.11.2017 and 13.11.2017 respectively.

4.Needless to say that the fourth respondent, being the competent authority, as contemplated under Section 16 of the Indian Telegraphic Act, has to consider the objections raised by the petitioners as well as that of the respondents Electricity

Board and pass final orders on merits and in accordance with law. Such exercise shall be done by the fourth respondent, after giving due opportunity of hearing to the petitioners as well. Therefore, these writ petitions are disposed of, only by directing the fourth respondent to consider the objections raised by the petitioners dated 01.11.2017 and 13.10.2017 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioners, within a period of four weeks from the date of receipt of a copy of this order. Till an order is passed by the fourth respondent, as stated supra, the respondents 1 to 3 shall maintain status quo as on today. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vri

To

- 1.The Chairman,
TANGEDCO,
Anna Salai,
Chennai 600 002.
- 2.The Executive Engineer,
(Electricity Transmission Line Construction),
Erode Electricity Distribution Circle,
Erode.
- 3.The Assistant Executive Engineer,
(Electricity Transmission Line Construction),
Erode Electricity Distribution Circle,
Erode.
- 4.The District Collector,
Erode District,
Erode.

+2cc to Mr.Abdul saleem, Advocate, S.R.No.83883
+2cc to Mr.Narendran, Advocate, S.R.No.82963
+2cc to the Government Pleader, S.R.No. 83697,83698

W.P.Nos.29915 and 29916 of 2017

RRK(/11/2017)