



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.12.2017
CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P(MD)Nos.21046 and 21047 of 2017
and

W.M.P(MD)Nos.17297 to 17300 and 19808 to 19811 of 2017

M/s.Sri Saravana Spinning Mills Private Limited,
Eluvanampatti, Periyakulam Road,
Batlagundu - 624 202, Dindigul District,
rep. by its Director.

.. Petitioner in
W.P(MD)No.21046 of 2017

Jaikumar Krishnasamy

.. Petitioner in
W.P(MD)No.21047 of 2017

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Superintendent Engineer,
General Construction Circle,
TANTRANSCO, K.Pudur, Madurai - 625 007.

3.The Executive Engineer,
Transmission Line and Construction,
TANTRANSCO, K.Pudur, Madurai - 625 007.

4.The Assistant Executive Engineer,
Transmission Line and Construction,
TANTRANSCO, Meenakshinaickanpatti,
Dindigul - 625 007.

5.National Hydroelectric Power Corporation (NHPC),
rep. by its Director (Projects),
N.H.P.C. Office Complex, Sector - 33,
Faridabad - 121 003, Haryana.
[Fifth respondent is impleaded in
both the writ petitions, vide order,
dated 13.12.2017, made in
W.M.P(MD)Nos.18326 and 18327
of 2017, respectively]

.. Respondents in both W.Ps.

PRAYER IN W.P(MD)No.21046 of 2017: Writ Petition is filed under
Article 226 of the Constitution of India praying for the issuance of
a writ of certiorarified Mandamus calling for the records of the
second respondent herein in his proceedings in



Lr.No.SE/GCC/MDU/AEE/MONI/F.NHPC/110KV Line/D.1610/17, dated 23.10.2017 and quash the same and consequently forbear the respondents 2 to 4 herein from proceeding any works or erecting the High Tension Transmission Towers in the petitioner's land in Survey Nos.956/4B1, 961/1, 964/1, 964/2 and 964/3 in Eluvanampatty, Nilakottai Taluk, Dindigul.

PRAYER IN W.P(MD)No.21047 of 2017: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent herein in his proceedings in Lr.No.SE/GCC/MDU/AEE/MONI/F.NHPC/110KV Line/D.1610/17, dated 23.10.2017 and quash the same and consequently forbear the respondents 2 to 4 herein from proceeding any works or erecting the High Tension Transmission Towers in the petitioner's land in Survey Nos.956/1, 956/3, 957/2A, 957/3A, 957/3B, 958/2, 958/3A, 958/5, 959/1, 961/2, 962, 965/1A, 965/1B, 965/1C, 965/3A and 965/3B in Eluvanampatty Village, Nilakottai Taluk, Dindigul.

For Petitioner : Mr.K.Hemakarthiskeyan
in both W.Ps.

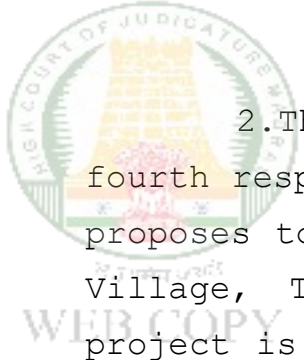
For Respondent No.1 : Mr.J.Gunaseelan Muthaiah,
in both W.Ps. Government Advocate.

For Respondents 2 to 4: Mr.B.Pugalendhi,
in both W.Ps. Additional Advocate General
assisted by Ms.S.Srimathy

For Respondent No.5 : Mr.S.Subbiah,
in both W.Ps. Senior Counsel for Mr.I.Suthakaran

COMMON ORDER

These writ petitions are filed, seeking a writ of Certiorarified Mandamus to quash the the impugned proceedings, dated 23.10.2017, passed by the second respondent and also direct the respondents 2 to 4 not to proceed any work or erect High Tension Transmission Towers in the petitioners' lands comprised in the survey numbers, mentioned in the writ petitions, situate in Eluvanampatty Village, Nilakottai Taluk, Dindigul.



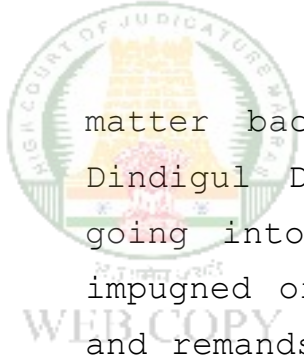
2.The case of the petitioners is that on 27.09.2017, the fourth respondent informed the petitioners that the fifth respondent proposes to install a new 50 MW Solar Power Project at Jeyamangalam Village, Theni District and the power generated from the said project is to be taken to 110/22 KV Sub Station, Eluvanampatty and therefore the fourth respondent, TANTRANSCO, proposes to erect some transmission towers from Jeyamangalam to Eluvanampatty Sub Station through the lands of the petitioners, for which, the petitioners have given objections, vide letters, dated 28.09.2017. Since, the third respondent tried to carry out the work, the petitioners approached the first respondent, vide, letters dated 09.10.2017. But, without considering the objections and representations made by the petitioners, the second respondent passed the impugned order, dated 23.10.2017, indicating that tower location No.14 falls within the boundaries of the lands of the petitioners. On 24.10.2017, the second respondent, served a letter to the petitioners, stating that the respondents 2 to 4 proposed to erect tower No.14 in their lands and also seeking to extend their co-operation for erection of the same. Therefore, the petitioners are before this Court, with the aforesaid prayer.

3.Since the issue involved in both these writ petitions, is one and the same, they are taken up for hearing together and disposed of by this common order.

4.Heard both sides.

5.The learned counsel appearing for all the parties submitted that the matter may be remanded back to the first respondent for fresh consideration and therefore, the impugned orders may be set aside.

6.Since the petitioners challenge the order of the second respondent, pointing out that tower location No.14 falls within the boundaries of the lands of the petitioners, now the learned counsel appearing for the parties have given their consent to remand the



matter back to the first respondent, viz., District Collector, Dindigul District. Under such circumstances, this Court without going into the merits of the issue in question, sets aside the impugned orders, dated 23.10.2017, passed by the second respondent and remands the matter to the first respondent, District Collector, Dindigul District, Dindigul and the parties are directed to place their submissions along with supportive documents, before the first respondent and the first respondent shall hear all the parties concerned and pass appropriate orders, on or before 30.12.2017, on its own merit and in accordance with law.

7.The writ petitions are allowed in the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Dindigul District, Dindigul.
 - 2.The Superintendent Engineer,
General Construction Circle,
TANTRANSCO, K.Pudur, Madurai - 625 007.
 - 3.The Executive Engineer,
Transmission Line and Construction,
TANTRANSCO, K.Pudur, Madurai - 625 007.
 - 4.The Assistant Executive Engineer,
Transmission Line and Construction,
TANTRANSCO, Meenakshinaickanpatti,
Dindigul - 624 002.
- +1cc to M/S.K.HEMAKARTHIKEYAN, Advocate SR.No.94179.
+2cc to M/S.K.SEKAR, Advocate SR.No.94083 & 94084.
+2cc to M/S.S.M.JOHNNY BASHA, Advocate SR.No.94117 & 94118.

COMMON ORDER MADE IN
W.P(MD)Nos.21046 and 21047 of 2017
and
W.M.P(MD)Nos.17297 to 17300 and 19808 to 19811 of 2017
21.12.2017