



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

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W.P. (MD) Nos. 24214 and 24215 of 2017
and
W.M.P. (MD) Nos. 20325 and 20326 of 2017

D. Senthilkumar : Petitioner in W.P. (MD) No. 24214/2017
P. Dasan : Petitioner in W.P. (MD) No. 24215/2017

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Energy Department,
Fort St. George,
Chennai.
2. The Director (Projects),
National Hydro Electric Power Corporation Ltd.,
NHPC Office Complex,
Sector 33,
Faridabad - 121 003.
Haryana State.
3. The District Collector,
Dindigul District,
Dindigul.
4. The Superintendent of Police,
Dindigul District,
Dindigul.
5. The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation Ltd.,
K. Pudur, Madurai.
6. The Assistant Executive Engineer,
Transmission Line and Construction,
Tamil Nadu Transmission Corporation Ltd.,
Meenakshinaickkanpatti,
Dindigul - 624 002. : Respondents in both Writ Petitions

PRAYER in W.P. (MD) No. 24214 of 2017: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to erect tower and transmission line on the petitioner's patta land to an extent of 5.47 Acres of land with 150 fruit bearing coconut trees comprised in Survey



Nos.957/1, 957/2B, 1005/2B and 1005/5C situated at Viralipatti Village, Nilakkottai Taluk, Dindigul District on the basis of the representation of the petitioner dated 15.12.2017.

PRAYER in W.P. (MD) No.24215 of 2017: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to erect tower and transmission line in the petitioner's patta land to an extent of 6.22 Acres of land with 48 fruit bearing coconut trees comprised in Survey Nos.998, 999/2, 997/1, 997/2, 1000/2B and 1001/4A situated at Viralipatti Village, Nilakkottai Taluk, Dindigul District on the basis of the representation of the petitioner dated 15.12.2017.

For Petitioners : Mr.R.R.Kannan
For Respondents 1,3&4: Mr.A.K.Baskara Pandian
Special Government Pleader.
For Respondent No.2 : Mr.K.Sekar
Standing Counsel
For Respondents 5 & 6 : Mr.E.P.Venkateshwar
(In both W.P.s) for Mr.S.M.S.Johnny Basha

COMMON ORDER

The present writ petitions have been filed to direct the respondents not to erect tower and transmission line in the petitioners patta land situated at Viralipatti Village, Nilakkottai Taluk, Dindigul District on the basis of the representation of the petitioners dated 15.12.2017.

2.Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for the respondents 1, 3 and 4, Mr.K.Sekar, learned Standing Counsel takes notice for the second respondent and Mr.E.P.Venkateshwar, learned counsel for Mr.S.M.S.Johnny Basha takes notice for the respondents 5 and 6.

3.It is the case of the petitioners that the petitioners are the owners of 5.47 and 6.22 acres of agricultural lands with 150 and 48 coconut trees on it in Survey Nos.957/1, 957/2B, 1005/2B & 1005/5C and 998, 999/2, 997/1, 997/2, 1000/2B and 1001/4A, respectively situated at Viralipatti Village, Nilakottai Taluk, Dindigul District.

4.According to the petitioners, the second respondent which is a Central Government undertaking is laying High Tension Transmission Power Lines over the petitioner's property. By laying the lines, according to the petitioners, the coconut trees in the property will have to be uprooted which will cause heavy loss and hardship to the petitioners. Therefore, the petitioners have made a representation to all the respondents on 15.12.2017 requesting the respondents that without paying adequate

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has been

"10. Power for telegraph authority to place and maintain telegraph lines and posts.—The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:

(b) the [Central Government] shall not acquire any right other than that of user only in the property under, over, along, across in or upon which the telegraph authority places any telegraph line or post; and

and (d) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers."

<https://hcservicescourts.gov/sinproservices/>

8. Admittedly, there is no written reply given by the



respondents to the representation dated 15.12.2017 given by the petitioners. Even though, as seen from the provisions of the Indian Telegraph Act, 1885, there is no necessity to give prior notice before laying High Tension Transmission Power Lines over the property of the petitioners. Therefore, this Court is of the view that the respondents should have given a written reply to the representation dated 15.12.2017 sent by the petitioners.

9.Considering the facts and circumstances of the case, this Court is of the considered view that the District Collector, Dindigul District, the third respondent herein, who is the deciding authority shall dispose of the representation of the petitioners, dated 15.12.2017 within a period of one week from today by giving ample opportunity to the petitioners by way of submission of documents in support of their stand and also giving them a personal hearing and pass final orders on merits and in accordance with law. Till the disposal of the representation given by the petitioners dated 15.12.2017, the respondents shall not lay the High Tension Transmission Power Lines over the property of the petitioners.

10.Accordingly, the Writ Petitions are disposed of. However, there shall be no order as to costs. Consequently, W.M.P. (MD) Nos.20325 and 20326 of 2017 are closed.

Sd/-

Vacation officer/
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary,
State of Tamil Nadu,
Energy Department,
Fort St. George,
Chennai.

2.The Director (Projects),
National Hydro Electric Power Corporation Ltd.,
NHPC Office Complex,
Sector 33,
Faridabad - 121 003.
Haryana State.

3.The District Collector,
Dindigul District,
Dindigul.

<https://hccs.courtservice.org/>
4.The Superintendent of Police,
Dindigul District,
Dindigul.



5.The Superintending Engineer,
General Construction circle,
Tamil Nadu Transmission Corporation Ltd.,
K.Pudur, Madurai.

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6.The Assistant Executive Engineer,
Transmission Line and construction,
Tamil Nadu Transmission Corporation Ltd.,
Mennakshinaickkanpatti,
Dindigul - 624 002.

+2cc to Mr.S.M.S.JOHNNY BASHA,Advocate,SR. 95150,95151

+2cc to Mr.R.R.KANNAN,Advocate,SR. 95148,95149

+1cc to Mr.K.SEKAR,Advocate,SR. 95147

+1cc to M/S.Special Government Pleader,SR. 95158

W.P. (MD) Nos.24214 and 24215 of 2017
and

W.M.P. (MD) Nos.20325 and 20326 of 2017
28.12.2017

MR

KK/SV MMS/SAR 4/28.12.2017/ 5P- 13C/