



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.3280 of 2017
and W.M.P. (MD) No.2635 of 2017

- 1.Sivaramakrishnan
- 2.Baskaran
- 3.Sekar
- 4.S.Kasthuri
- 5.R.Panneerselvam

... Petitioners

Vs.

- 1.The Chairman Cum Managing Director,
Tamilnadu Electricity Board,
No.144, Anna Salai,
Electricity Avenue,
Chennai - 600 002.
- 2.The Director,
TANTRANSCO (Tamilnadu Transmission Corporation),
No.144, Anna Salai,
Electricity Avenue, Chennai - 600 002.
- 3.The District Collector,
Thanjavur.
- 4.The Superintending Engineer (General Construction Circle),
Tower Line Construction,
TNEB, Theenur Circle, Manarpuram,
Trichy.
- 5.The Executive Engineer,
Tower Line Construction,
TNEB, Opposite to Tamil University,
Vallam Road,
Thanjavur.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, thereby forbearing the respondents to erect and draw the Electricity pole and line in and above the petitioner's lands and service connection to the petitioner's patta lands situated in S.F.No.244/2A, 256/1A, 256/2, 239, 241/3C, 241/3D, 242/1B, 243 and 244/1C of Soorakottai Village, Thanjavur Taluk and District against law.

For Petitioners

:Mr.P.Ganapathi Subramanian



For 3rd Respondent

:Mr.S.Satheeshkumar
Additional Government Pleader

O R D E R

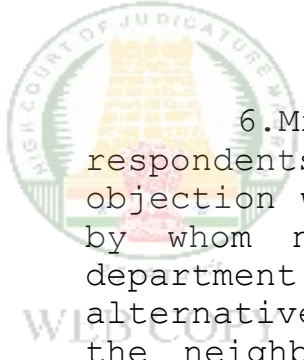
Mr.S.Satheeshkumar, the learned Additional Government Pleader takes notice for the 3rd respondent and Mr.S.M.S.Johnny Basha, the learned Standing Counsel takes notice for respondents 1, 2, 4 and 5.

2.The prayer in the writ petition is for a Writ of Mandamus, forbearing the respondents from erecting and drawing the Electricity pole and line in and above the petitioner's lands and service connection to the petitioner's patta lands situated in S.F.No.244/2A, 256/1A, 256/2, 239, 241/3C, 241/3D, 242/1B, 243 and 244/1C of Soorakottai Village, Thanjavur Taluk and Thanjavur District.

3.By consent of both sides this writ petition itself is taken up for final disposal.

4.The learned counsel appearing for the petitioners would submit that the petitioners are having agricultural land at S.F.No.244/2A, 256/1A, 256/2, 239, 241/3C, 241/3D, 242/1B, 243 and 244/1C of Soorakottai Village, Thanjavur Taluk, Thanjavur District. Suddenly, the respondent department came up for erecting poles and towers for drawing HT line on and across the petitioners patta land. Before such move, no intimation had been given to the petitioners and no permission was sought for and when the petitioners made enquiry, it was revealed that the District Collector, Thanjavur District not seems to have given any written permission and even if the District Collector gave permission, that would be behind the back of the petitioners. Therefore, objecting the said proposal for drawing HT line on and across S.F.No.244/2A, 256/1A, 256/2, 239, 241/3C, 241/3D, 242/1B, 243 and 244/1C of Soorakottai Village, Thanjavur Taluk, Thanjavur District, the petitioners patta land, they have given a detailed representation on 09.02.2017 to the respondents herein, including the District Collector. In spite of the representation having been made, the respondents have not stopped the work and they are continuing the work of erecting HP line and Towers. Therefore, the petitioners have come forward with this writ petition.

5.The learned counsel appearing for the petitioners would submit that adjacent to the petitioners patta land there is huge porampoke land, through which if line is drawn no one will be affected. Moreover, if the line is drawn through the said Porampoke land, it can reach the destination with shortest distance and it will also reduce considerably the cost of the work of the respondents. He would further submit that respondent the reasons best known to them have proposed to draw their line on and across the patta land of the petitioners.



6.Mr.S.M.S.Johnny Basha, the learned counsel appearing for respondents 1, 2, 4 and 5 would submit that whatever be the objection would have been considered by the District Collector and by whom no alternative proposal was given to the respondent department and unless and until the District Collector gives any alternative route or after sustaining the valid objection given by the neighbours like the petitioners, if the District Collector will communicate the same to the Department the work will continue. Here no such objection seems to have been made and no such objection has been received by the respondent department.

7.In view of the submissions made by both sides, this Court is of the considered view that since the petitioners have made specific objection that drawing line through their patta land would cause great prejudice to their interest and in their nearby porampoke land is available and the same can very well be considered by the respondents, in this regard the third respondent District Collector can hear the petitioners and accordingly a feasible decision can be taken based on which further work can be undertaken by the respondent department.

8.In view of the said facts and circumstances of the case, the following orders are passed in this writ petition:

(i) The petitioners representation dated 09.02.2017 given to the respondents shall be considered by them, especially, the third respondent District Collector, Thanjavur District and in the process of such consideration the petitioners shall be put on notice for giving opportunity of being heard and after hearing them about their objections and also considering the availability of alternative site that too by way of porampoke land, which is very adjacent to patta land of the petitioners, the third respondent Collector can take a decision thereon and the said decision shall be communicated to the petitioners.

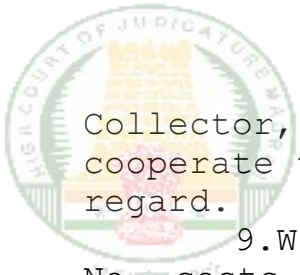
(ii) Only after taking such decision as communicated by the third respondent to the petitioners as well as the respondent department, the further work as proposed by the respondent department TANTRANSCO shall be commenced.

(iii) In this regard, the process of paying compensation can be undertaken, if needed.

(iv) Till the aforesaid exercise is completed, the respondents are restrained from drawing any line by erecting poles or power lines on and across the petitioners patta land in S.F.No.244/2A, 256/1A, 256/2, 239, 241/3C, 241/3D, 242/1B, 243 and 244/1C of Soorakottai Village, Thanjavur Taluk, Thanjavur District.

(v) The exercise as directed to be done by the third respondent District Collector has to be completed within a period of six months from the date of receipt of a copy of this order.

(vi) It is needless to mention that during the said process of considering the issue by the third respondent District



Collector, the respondent department and the petitioner shall cooperate with the District Collector on receipt of notice in this regard.

9. With these directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The Chairman Cum Managing Director,
Tamilnadu Electricity Board,
No.144, Anna Salai, Electricity Avenue, Chennai - 600 002.
 2. The Director,
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 4. The Superintending Engineer (General Construction Circle),
Tower Line Construction,
TNEB, Theenur Circle, Manarpuram, Trichy.
 5. The Executive Engineer,
Tower Line Construction,
TNEB, Opposite to Tamil University, Vallam Road, Thanjavur.
- +1 cc to M/s.P.Ganapathi Subramanian, Advocate in SR.No.10813
+1 cc to The Special Government Pleader in SR.No.10929

sj

CSL/PM-PN/SAR-I/27.02.2017 :4P/8C

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