

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 24.05.2017

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE M.V.MURALIDARAN**W.P. (MD) No.9703 of 2017**

K.Kasirajan Babu

... Petitioner

Vs.

1. The District Collector,
Madurai,
Madurai district.

2. The Superintending Engineer,
TAN Trans Corporation,
K.Pudur,
Madurai.

3. The Executive Engineer,
TAN Trans Corporation,
K.Pudur,
Madurai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 2 and 3 to consider the petitioner's representation dated 18.05.2017 by taking appropriate steps for alignment by installing the Hyper Tension Tower at the Government Poromboke land situated in S.No.36 without disturbing the petitioner's patta land within a stipulated period as to be fixed by this Court.

For Petitioner : Mr.K.Selvam

For Respondents : Mr.T.R.Janarthanan

Additional Government Pleader

O R D E R

The petitioner seeks for a Writ of Mandamus directing the respondents 2 and 3 to consider the petitioner's representation dated 18.05.2017 by taking appropriate steps for alignment by installing the Hyper Tension Tower at the Government Poromboke land situated in S.No.36 without disturbing the petitioner's patta land within a stipulated period as to be fixed by this Court.



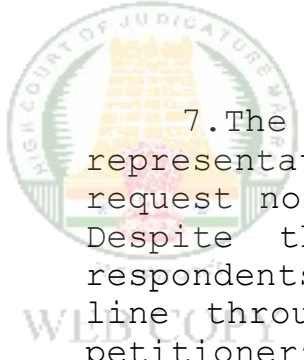
2. Mr.T.R.Janarthanam, learned Additional Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself as the prayer in the writ petition is only to consider the representation of the petitioner.

3.The case of the petitioner is that he is the owner of the property comprised in S.No.33/1-B, Vikramangalam Village, admeasuring 1 Acre and 38 Cent. The said area is a residential cum business area. Adjacent to the petitioner's property there is a coconut godown. There was a high tension power line running athwart petitioner's property, he was not in a position to deal with the property as per his wish. Therefore, the petitioner made a representation to the electricity officials to shift the above said high tension tower and after continuous effort, the respondents 2 & 3 herein agreed to shift the same and the petitioner paid Rs.1 ½ lakhs towards the shifting charges to the Electricity Board, the hypertension wire was re-aligned and shifted from the petitioner's property. While so, now the respondents 2 & 3 once again proposed to erect a hypertension 230 Kw power line through the property of the petitioner in S.No.33/1B.

4.According to the petitioner, nearby his patta land, the Government Poramboke land in S.No:36 are situated, which is suitable for erection of hypertension line. That apart, the proposed line can also be erected through Vikramangalam to Chekkanoorani Main Road, such that the petitioner's patta land will not be get affected. Only an excess of 50 feet of wire will be required additionally, if the latter proposal running along the road is adopted.

5.If the high tension towers are installed over the said poromboke land, no one would be affected and the petitioner's property would lose its potential value. If the present proposal is acted upon then the high tension line will cut across the petitioner's property dividing into two parts and such circumstances, the petitioner's property would be affected and he could make any development over his property.

6.The petitioner further submitted that one another feasible route to erect hypertension line is such that laying the line adjacent to the already existing to hypertension lines which passes through the forest area situated right behind the petitioner's property. However, the respondents are very particular in erecting high tension tower through the patta land of the petitioner. The petitioner's request was not considered by the respondents. The act of the respondents availing the poramboke land would show the arbitrary exercise the respondents.



7.The petitioner further contented that he has sent a detailed representation on 18.05.2017 by RPAD to the responders with a request not to draw high tension tower line through his property. Despite the receipt of the petitioner's representation, the respondents are taking effective steps to draw high tension tower line through the petitioner's property without considering the petitioner's objection.

8.Heard the Learned Counsel for the petitioner and the respondents,

9.According to the petitioner, earlier the electricity board had draw high tension tower line through the petitioner's land and the same was shifted by the electricity board on receipt of payment of Rs.1,09,840/- vide payment receipt dated 04.01.2017 towards shifting charges. Further, the learned counsel for the petitioner submitted that once again the electricity board attempted to draw high tension tower line through the petitioner's land. In this regard, the petitioner has submitted a written representation to the respondents by RPAD on 18.5.2017 and the same was duly received by them. Since the respondents are taking speedy steps to erect high tension tower line through the patta land of the petitioner's land, the petitioner has come up with this writ petition to issue a writ of Mandamus to direct the respondents 1 & 2 to consider his representation dated 18.5.2017.

10.In view of the limited prayer sought by the petitioner, this court without touching upon merits of the case, directs the 2nd respondent to consider and pass orders on the petitioner's representation dated 18.05.2017 for alignment by installing the Hypertension tower at the poromboke land situated in S.No.36 without disturbing the petitioner's patta land. While considering the petitioner's representation, the 2nd respondent shall consider the contention of the petitioner regarding the shifting of the electric pole from the petitioner's patta land on receipt of shifting charges. Till the disposal of the petitioner's representation the respondents should not take any coercive steps to erect high tension tower through the property of the petitioner. The 2nd respondent shall pass order on the representation of the petitioner on merits and in accordance with law within a period of four weeks from the receipt of this order copy.

With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Vacation Officer

/True Copy/



To

1. The District Collector,
Madurai,
Madurai district.
2. The Superintending Engineer,
TAN Trans Corporation,
K.Pudur,
Madurai.
3. The Executive Engineer,
TAN Trans Corporation,
K.Pudur,
Madurai.

+1cc to M/S. K.SELVAM, Advocate, SR.No.57205.

+1cc to Special Government Pleader, SR.No.57982.M.

W.P. (MD) No.9703 of 2017
24.05.2017

SDS/MMS/SAR 1/01.06.2017/4P/6C