

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.01.2018

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.790 of 2018
and
W.M.P.No.963 of 2018

M/s. Classic Farms Chennai Limited
rep. By its Managing Director,
M49-M50, L.B.Road,
Indira Nagar,
Chennai - 600 020

... Petitioner

vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Superintending Engineer,
General Construction Circle II,
Tamil Nadu Transmission Corporation Ltd.,
Alandur,
Chennai - 600 016.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents herein, their man, agents, servants, subordinates or any other person or persons claiming through them or authorized by them from, in any manner, erecting Electric Transmission Tower or running of the Transmission lines through the lands of the petitioner comprised in Survey Nos.438/1, 438/3A, 530/2, 530/3, 531/10, 532/2, 500/1A, 500/1B, 501/1, 502/1 and 503 or any other lands of Perumbakkam Village, Sholinganallur Taluk, Kancheepuram District or running Electricity Transmission lines over the said lands.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for Mrs.AL.Ganthimathi

For Respondents: Mr. R.Govindasamy
Special Government Pleader for R1
Mr.Abdul Saleem, Standing counsel for R2.

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the 1st respondent and Mr.Abdul Saleem, learned standing counsel takes notice for the 2nd respondent. By consent of the parties, the main writ petition is taken up for final disposal.

2. Before going into the other aspects of the matter, it is to be recorded that the learned senior counsel Mr.AR.L.Sundaresan appearing for the petitioner submitted that by inadvertence the prayer in the writ petition was coined also by including the words "or any other lands of Perumbakkam Village, Sholinganallur Taluk, Kancheepuram District" even though as the petitioner is not concerned with any other lands. Thus, he submitted that the prayer in the writ petition is confined only to the survey numbers referred to in the writ petition. Accordingly, the said statement is recorded and the relief sought for in this writ petition is considered only to the survey numbers referred to therein.

3. The grievance of the petitioner before this Court is that the drawal of power line by erecting the electric transmission tower in his lands at the above said survey numbers causes great prejudice and loss to the petitioner's agricultural operation and therefore, the respondents must be suitably prevented from drawing the power line or erecting the Electric Transmission Tower in the said survey numbers.

4. Learned counsel appearing for the 2nd respondent submitted that in respect of the subject matter project, notification was issued as early in the month of March, 2015 itself and no objection was raised by the petitioner at that point of time and therefore, they cannot make any such objection now. However, he is fair enough to admit the position that even at the time of erecting the tower in those lands for drawing the power lines over the above said lands, if any objection is raised by the land owners, the District Collector will have to consider the same and pass orders, after hearing both the parties, as contemplated under Section 16 of the Indian Telegraph Act, 1885. Therefore, he submitted that it is for the petitioner to approach the first respondent by way of proper representation/objection so as to enable him to exercise his powers under Section 16 of the said Act.

5. Learned senior counsel for the petitioner fairly submitted that the petitioner would approach the first respondent and make such objection/representation, so as to enable the first respondent to consider the same on merits and pass orders in accordance with law, apart from resorting to the

other remedies available under the law.

6. Considering the above stated facts and circumstances, the writ petition is disposed of without expressing any view on the merits of the claim made by the petitioner only with the following directions.

(a) The petitioner shall give objection/representation before the first respondent, District Collector within a period of two weeks from the date of receipt of a copy of this order.

(b) On receipt of such objection, the first respondent, District Collector will consider the same and pass orders on merits and in accordance with law, after giving due opportunity of hearing to the petitioner as well as the second respondent within a period of four weeks thereafter.

(c) Till such time, the second respondent shall maintain status quo as on today. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Superintending Engineer,
General Construction Circle II,
Tamil Nadu Transmission Corporation Ltd.,
Alandur,
Chennai - 600 016.

+2cc to Mr.Abdul Saleem, Advocate SR.No.3807
+1cc to Mr.A.L.Gandhimathi, Advocate SR.No.3461
+1cc to Government Pleader SR.No.3689

W.P.No.790 of 2018

GN(29/01/2018)