

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Twenty Fourth day of July Two Thousand Eighteen

PRESENT

THE HON'BLE MR.JUSTICE T.RAJA

WP No.18805 of 2018

and WMP.NO.22157/2018

M/S.BRINDHAVAN FIRMS, [PETITIONER IN BOTH THE PETITIONS]
(PROPRIETORSHIP FIRM),
REP. BY ITS PROPRIETOR DR.A.R.KASILINGAM,
OLD NO.56, NEW NO.34, VIVEKANANDAR STREET,
GANDHI NAGAR, SALIGRAMAM, CHENNAI-600 093.

Vs

1 THE DISTRICT COLLECTOR, [RESPONDENTS IN BOTH THE PETITIONS]
KANCHEEPURAM DISTRICT, KANCHEEPURAM.

2 THE SUPERINTENDING ENGINEER,
TRANSMISSION PROJECT, TANTRANSO, A-10,
THIRU VI-KA ESTATE, GUINDY, CHENNAI-600 032.

Writ Petitions under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Mandamus

(i) Forbearing the second respondent herein from erection high tension jumbo towers in S.No.126, 165/2, 170 and 171/1A1 of Thiruneermalai Village, Tambaram Taluk, Kancheepuram District, without considering the objection dated 9.7.2018 submitted by the petitioner under Section 16(1) of the Indian Telegraph Act, 1885 (in WP.18805/2018) and;

(ii) *To grant an interim injunction forbearing the second respondent from erecting high tension jumbo towers in S.No.126, 165/2, 170 and 171/1A1 of Thiruneermalai Village, Tambaram Taluk, Kancheepuram District, (in WMP.22157/2018) pending disposal of the above WP.NO.18805/2018 respectively.*

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.R.KARTHIKEYAN, Advocate for the petitioner in both the petitions and of MR.D.SURYA NARAYANAN, Additional Government Pleader on behalf of the 1st Respondent and of MR.ABDUL SALEEM, Standing Counsel for the 2nd Respondent in both the petitions on behalf of the Respondents the court made the following order:-

Mr.D.Surya Narayanan, learned Additional Government Pleader takes notice for the 1st respondent and Mr.Abdul Saleem, learned standing counsel takes notice for the 2nd respondent.

2.The petitioner is developing an International Health City in their lands situated in Thiruneermalai Village and has also made all arrangements to start the project in co-ordination with TIDCO. While so, the Tamil Nadu Power Corporation has started laying foundation to erect HT Power Line Tower in the petitioner's land in Survey Nos.126, 171/1A1 and 165/2, thereby disturbing nearly 4 acres of valuable lands of the petitioner, which is also going to reduce the employment opportunity to various educated and skilled people. Hence, a representation has been given to the 1st respondent viz., the District Collector, Kancheepuram on 09.07.2018 stating that the respondents can lay underground power line as they have done between Kunrathur to Anahaputhur.

3.If the respondents come forward to lay the underground power line, the respondent need not even pay compensation for the land of the petitioner, which would also help the petitioner to save the utility of a large extent of land.

4.Therefore, this Court *prima facie* finds that the respondents can consider the said proposal as they have already laid underground power line between Kunrathur to Anahaputhur, which would help, both the petitioner and the 2nd respondent.

Post the matter on 27.07.2018 for getting instructions by the learned standing counsel for the 2nd respondent as to whether it is possible to underground power line.

-sd/-
24/07/2018
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT COLLECTOR,
KANCHEEPURAM DISTRICT, KANCHEEPURAM.

2 THE SUPERINTENDING ENGINEER,
TRANSMISSION PROJECT, TANTRANSO,
A-10, THIRU VI-KA ESTATE,
GUINDY, CHENNAI-600 032.

C.C. to M/S.R.KARTHIKEYAN Advocate on payment of necessary charges

C.C. to MR.D.SURYA NARAYANAN, LEARNED ADDITIONAL GOVERNMENT PLEADER Sr.No.8737

Order

in
WP.18805/2018

and WMP.22157/2018

Date :24/07/2018

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