

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.12.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.28532, 28542, 28554 & 28559 of 2018
and
W.M.P.Nos.33279, 33286, 33306, 33314
in respective W.Ps

1.Rani
2.Kanniyappan
3.Maadhu
4.Kourappan
5.Maadhammal
6.Murugesan
7.Ramayee
8.Nanjappan
9.Chinnaponnu
10.Muniyappan

..Petitioners in W.P.No.28532/2018

1.Mari Pachai
2.Raman
3.Pachiyammal
4.Murugan

..Petitioners in W.P.No.28542/2018

1.Sivakumar
2.Vasantha

..Petitioners in W.P.No.28554/2018

T.Murugamani

..Petitioner in W.P.No.28559/2018

vs

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Assistant General Manager,
Power Grid Corporation of India,
Tirupattur HVDC TLC,
No.185, TNHB Phase-II,
Dharmapuri Main Road,
Tirupattur - 635 601.

..Respondents in all W.Ps

Prayer in W.P.No.28532 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 22.09.2018 on merits

after giving the opportunity to the petitioner herein within a stipulated time frame and consequently direct the Respondents herein to maintain the status quo till the disposal of the petitioners representation dated 22.09.2018 in S.F.Nos:262/26C, 262/26G, 208/1, 212/1A, 212/1F, 211/3, 262/23A1, 202/9, 202/25, 214/4, 215/2, 215/4, 211/2 & 261/1B of Errabaiyanahalli Village, Nallampalli Taluk, Dharmapuri District.

Prayer in W.P.No.28542 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 22.09.2018 on merits after giving the opportunity to the petitioner herein within a stipulated time frame and consequently direct the Respondents herein to maintain the status quo till the disposal of the petitioner's representation dated 22.09.2018 in S.F.Nos:24/1, 24/2 & 23/1 of Pudupatty Village, Pennagaram Taluk, Dharmapuri District.

Prayer in W.P.No.28554 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 27.09.2018 on merits after giving the opportunity to the petitioner herein within a stipulated time frame and consequently direct the Respondents herein to maintain the status quo till the disposal of the petitioner's representation dated 27.09.2018 in S.F.Nos:262/22, 262/15 & 404/10 of Errabaiyanahalli Village, Nallampalli Taluk, Dharmapuri District.

Prayer in W.P.No.28559 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation of the petitioner dated 26.09.2018 on merits after giving the opportunity to the petitioner herein within a stipulated time frame and consequently direct the Respondents herein to maintain the status quo till the disposal of the petitioner's representation dated 26.09.2018 in S.F.Nos:901/3F & 917/1 of Peyalmari Village, Pennagaram Taluk, Dharmapuri District.

For Petitioners : M/s.Va Vu Si Vazhakagam(in all W.Ps)
For Respondents : Mr.Akhil Akbar Ali, GA for R1
(in all W.Ps)

Mr.R.Thiyagarajan, Senior counsel
for Mr.Jayesh B.Dolia
for R2 (in all W.Ps)

COMMON ORDER

W.P.No.28532 of 2018: The relief sought for in this writ petition is for a direction to direct the the 1st respondent to consider the representation of the petitioner dated 22.09.2018 on merits after giving the opportunity to the petitioner herein within a stipulated time frame and consequently direct the Respondents herein to maintain the status quo till the disposal of the petitioners representation dated 22.09.2018 in S.F.Nos:262/26C, 262/26G, 208/1, 212/1A, 212/1F, 211/3, 262/23A1, 202/9, 202/25, 214/4, 215/2, 215/4, 211/2 & 261/1B of Errabaiyanahalli Village, Nallampalli Taluk, Dharmapuri District.

1.1.W.P.No.28542 of 2018: The relief sought for in this writ petition is for a direction to direct the the 1st respondent to consider the representation of the petitioner dated 22.09.2018 on merits after giving the opportunity to the petitioner herein within a stipulated time frame and consequently direct the Respondents herein to maintain the status quo till the disposal of the petitioner's representation dated 22.09.2018 in S.F.Nos:24/1, 24/2 & 23/1 of Pudupatty Village, Pennagaram Taluk, Dharmapuri District.

1.2.W.P.No.28554 of 2018: The relief sought for in this writ petition is for a direction to direct the the 1st respondent to consider the representation of the petitioner dated 27.09.2018 on merits after giving the opportunity to the petitioner herein within a stipulated time frame and consequently direct the Respondents herein to maintain the status quo till the disposal of the petitioner's representation dated 27.09.2018 in S.F.Nos:262/22, 262/15 & 404/10 of Errabaiyanahalli Village, Nallampalli Taluk, Dharmapuri District.

1.3.W.P.No.28559 of 2018: The relief sought for in this writ petition is for a direction to direct the the 2nd respondent to consider the representation of the petitioner dated 26.09.2018 on merits after giving the opportunity to the petitioner herein within a stipulated time frame and consequently direct the Respondents herein to maintain the status quo till the disposal of the petitioner's representation dated 26.09.2018 in S.F.Nos:901/3F & 917/1 of Peyalmari Village, Pennagaram Taluk, Dharmapuri District.

2.The learned counsel for the writ petitioners state that their right of property is going to be taken away by the respondent / Power Grid Corporation of India. The petitioners are the agriculturists and they are performing the agricultural activities in the entire location. The respondents have proposed to commission transmission lines / poles through the agricultural lands belong to the writ petitioners. Such a policy

is now objected by the farmers of that locality. In some of the cases, the District Collector had already passed orders and such orders are challenged before this Court and this Court has already considered all the issues involved in the matter of commissioning of Power transmission towers in that locality in writ petition in W.P.No.30124 of 2018 dated 07.12.2018.

3. In view of the orders passed in the writ petition cited supra, the case of the writ petitioners also shall be considered by the District Collector on merits and in accordance with law. It is needless to mention that the District Collector has to provide an opportunity to the aggrieved persons and the aggrieved persons also shall avail the opportunities and furnish their statements or documents before the District Collector, enabling the District Collector to pass orders on merits and in accordance with law. In view of the fact that this Court had elaborately discussed the issues in the earlier writ petition, the District Collector shall consider the observations made in the earlier writ petition also.

4. Accordingly, the 1st respondent / The District Collector is directed to consider the representations of the petitioners in the light of the orders passed in W.P.No.30124 of 2018 dated 07.12.2018, within a period of four weeks from the date of receipt of a copy of this order. The writ petitioners are also directed to submit a copy of the representation and all other relevant documents, if any, along with the orders passed in the writ petition.

5. With these directions, all the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

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Sub-Assistant Registrar

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To

1. The District Collector,
Dharmapuri District,
Dharmapuri.

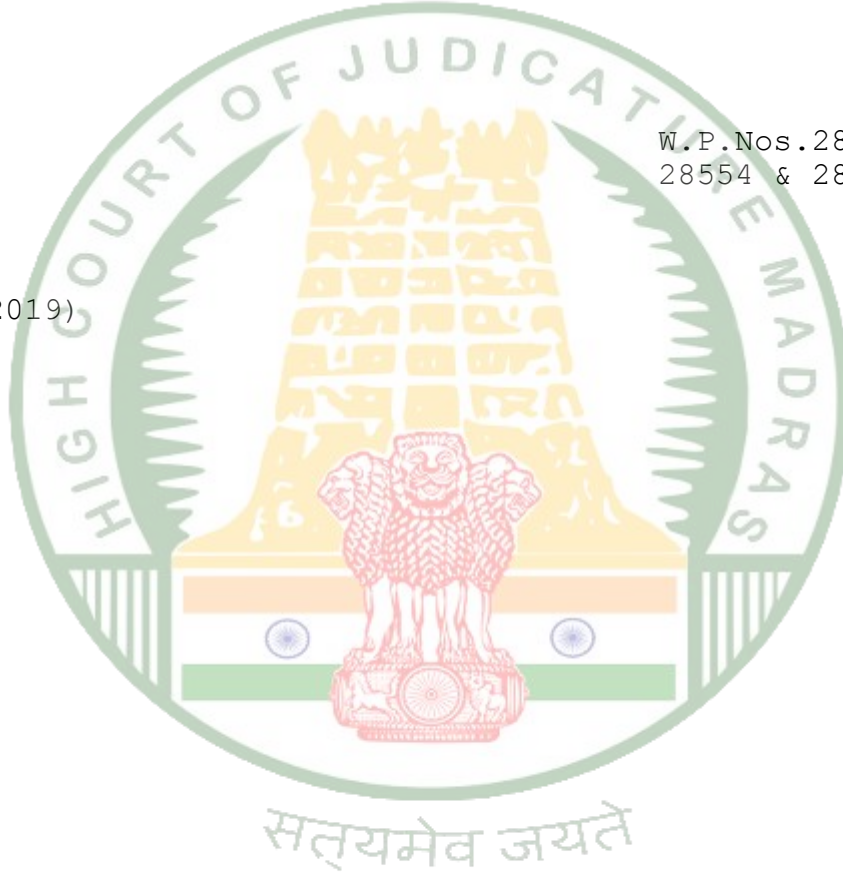
2.The Assistant General Manager,
Power Grid Corporation of India,
Tirupattur HVDC TLC,
No.185, TNHB Phase-II,
Dharmapuri Main Road,
Tirupattur - 635 601.

+4 Ccs to M/s.Va.Vu.Si. Vazhakagam, Advocate sr 85381, 85382,
85385, 85386.

+4 Ccs to M/s. Aiyar and Dolia, Advocate sr 85414, 85415, 85420,
85421.

W.P.Nos.28532, 28542,
28554 & 28559 of 2018

KJI (CO)
SP(09/01/2019)



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