

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.12.2018

CORAM

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

W.P.Nos.32713, 32719, 32726, 32729, 32737, 32741 of 2018
and
W.M.P.Nos.37907, 37913, 37922, 37929, 37935, 37945 of 2018

V.CHINNASAMY ... PETITIONER in WP.No.32713 of 2018
C.DURARI ... PETITIONER in WP No.32719 of 2018
N.BALASUBRAMANIAM ... PETITIONER in WP No.32726 of 2018
V.NARAYANAN ... PETITIONER in WP No.32729 of 2018
K.KRISHNAN ... PETITIONER in WP No.32737 of 2018
1.C.GOVINDASAMY
2.G.SEKAR
3.P.CHANDRAN ... PETITIONER in WP No.32741 of 2018

vs

1. THE DISTRICT COLLECTOR,
KRISHNAGIRI DISTRICT,
KRISHNAGIRI. ... 1st Respondent in
WP.No.32713 of 2018
32719 of 2018 and 32741 of 2018

1 THE DISTRICT COLLECTOR
NAMAKKAL DISTRICT, NAMAKKAL
... 1st RESPONDENT in WP No.32726 of 2018

1 THE DISTRICT COLLECTOR
SALEM DISTRICT, SALEM
... 1st RESPONDENT in WP No.32729 of 2018

1 THE DISTRICT COLLECTOR
DHARMAPURI DISTRICT
DHARMAPURI
... 1st RESPONDENT in WP No.32737 of 2018

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

..2nd Respondent in WP.Nos.32713,
32719, 32737 and 32741 of 2018

The Assistant General Manager,
Power Grid Corporation of India,
Sankagiri TLC Office,
No.3/3/27-B, Bharathy Nagar,
Salem Main Road, Sankagiri,
Salem District - 637 301.

.. 2nd Respondent in WP.No.32726 of 2018

The Superintendent Engineer,
General Construction Circle,
TANTRANSO, Aathur By pass Road,
Udayampatti, Salem.

.. 2nd Respondent in WP.No.32729 of 2018

Prayer in WP.No.32713 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 26.10.2018 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 26.10.2018 in S.F.No:640/1 of Veppalampatti Revenue Village, Pochampalli Taluk, Krishnagiri District.

Prayers in W.P.No.32719 of 2018,
32737 of 2018 and 32741 of 2018:-

Petitions praying to issue Writ of Mandamus or any other appropriate Writ Order or direction in the Nature of a Writ, directing the 1st Respondent to consider the Representations of the Petitioners dated 17.10.2018, 23.06.2018 and 06.10.2018 on merits after giving the opportunity to the Petitioners 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 17.10.2018, 23.06.2018

and 06.10.2018 respectively in S.F.Nos.377/5, 378/5 & 377/1 of Damodarahalli Revenue Village, Pochampalli Taluk, Krishnagiri District. (in W.P.No.32719 of 2018); in S.F.No.22/1D and 23/1 of Adilam Revenue Village, Karimangalam Taluk, Dharmapuri District (in W.P.No.32737 of 2018); in S.F.No.309/3, 310/2D, 287/1D, 287/1C3, 287/1E2, 287/1C2, 287/1E1 and 287/1F2 Kudimenahalli Revenue Village, Pochampalli Taluk, Krishnagiri District respectively.

W.P.No.32726 of 2018:-

Petition praying to issue Writ of Mandamus or any other appropriate Writ order or direction in the nature of a Writ, directing the 2nd respondent to consider the Objections of the Petitioner dated 29.11.2018 (sent on 30.11.2018) under Section 16(1) of the Indian Telegraph Act, 1885 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 Objection dated 29.11.2018 (sent on 30.11.2018) under Section 16 (1) of the Indian Telegraph Act, 1885 in S.F.Nos.290/1 and 308/4 of Padaiveedu Village, Kumarapalayam Taluk, Namakkal District.

W.P.No.32729 of 2018:-

Petition praying to issue Writ of Mandamus or any other appropriate Writ order or directing the 1st Respondent to consider the Representation of the Petitioner dated 28.08.2018 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 28.08.2018 in S.F.No.448/2. of Kannamoochi Revenue Village, Mettur Taluk, Salem District

For Petitioner : M/s.Va Vu Si Vazhakagam

For Respondents : Mr.Akhil Akbar Ali, GA for R1
Mr.R.Thiyaga rajan, Senior counsel
for M/s.Aiyar & Dolia for R2

C O M M O N O R D E R

W.P.No.32713 of 2018: The relief sought for in this writ petition is for a direction to direct the 2nd respondent to consider the representation of the petitioner dated 26.10.2018 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 26.10.2018 in S.F.No:640/1 of Veppalampatti Revenue Village, Pochampalli Taluk, Krishnagiri District.

1.1.W.P.No.32719 of 2018: The relief sought for in this writ petition is for a direction to direct the 1st respondent to consider the representation of the petitioner dated 17.10.2018 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 17.10.2018 in S.F.No:377/5, 378/5 and 377/1 of Damodarahalli Revenue Village, Pochampalli Taluk, Krishnagiri District.

1.2W.P.No.32726 of 2018: The relief sought for in this writ petition is for a direction to direct the 2nd respondent to consider the objections of the petitioner dated 29.11.2018(sent on 30.11.2018) under Section 16(1) of the Indian Telegraph Act, 1885 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 objection dated 29.11.2018(sent on 30.11.2018) under Section 16(1) of the Indian Telegraph Act, 1885 in S.F.Nos.290/1 and 308/4 of Padaiveedu Village Kumarapalayam Taluk, Namakkal District.

1.3.W.P.No.32729 of 2018: The relief sought for in this writ petition is for a direction to direct the 1st respondent to consider the representation of the petitioner dated 28.08.2018 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 28.08.2018 in S.F.No:448/2 of Kannamoochi Revenue Village, Mettur Taluk, Salem District.

1.4.W.P.No.32737 of 2018: The relief sought for in this writ petition is for a direction to direct the 1st respondent to consider the representation of the petitioner dated 23.06.2018 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 23.06.2018 in S.F.No.22/1D and 23/1 of Adilam Revenue Village, Karimangalam Taluk, Dharmapuri District.

1.5.W.P.No.32741 of 2018: The relief sought for in this writ petition is for a direction to direct the 1st respondent to consider the representation of the petitioner dated 06.10.2018 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 06.10.2018 in S.F.No.309/3, 310/2D, 287/1D, 287/1C3, 287/1E2, 287/1C2, 287/1E1 and 287/1F2 Kudimenahalli Revenue Village, Pochampalli Taluk, Krishnagiri 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.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The Assistant General Manager,
Power Grid Corporation of India,
Tirupattur HVDC TLC, No.185, TNHB Phase-II,
Dharmapuri Main Road, Tirupattur - 635 601.
3. The District Collector, Namakkal District, Namakkal.
4. The District Collector, Salem District, Salem.
5. The District Collector,
Dharmapuri District, Dharmapuri.
6. The Assistant General Manager,
Power Grid Corporation of India,
Sankagiri TLC Office,
No.3/3/27-B, Bharathy Nagar,
Salem Main Road, Sankagiri,
Salem District - 637 301
7. The Superintendent Engineer
General Construction Circle
TANTRANSCO, Aathur Bypass Road
Udayampatti, Salem.

+12cc to M/s.Va Vu Si Vazhakagam,

Advocate, S.R.No.85235 to 85240, 85796 to 85801

+5cc to M/s.Aiyar & Dolia , Advocate, S.R.No.85791 to 85795

+1cc to the Government Pleader, S.R.No.86267

W.P.Nos.32713, 32719, 32726,
32729, 32737, 32741 of 2018

sai (CO)
CS(11/01/2019)
CS/19/02/2019