

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16650 of 2013

P.N.Sridaran

.. Petitioner

-vs-

1. The Senior Engineer
Tamil Nadu Transmission Corporation Limited
Transmission Wing, Salem
Salem District
2. The Executive Engineer
Tamil Nadu Transmission Corporation Limited
Transmission Wing, Townline Construction
Vengalapuram, Tirupattur
Vellore District
3. The Assistant Director of Town
Tamil Nadu Transmission Corporation Limited
Ambur Sub Station, Reddy Thoppu
Ambur 635 802
4. Junior Engineer
Tamil Nadu Transmission Corporation Limited
Vinnamangalam Sub Station
Vinnamangalam, Ambur 635 802
Vellore District
5. The Collector
Salem, Salem District
(R5 impleaded vide order dated 26.8.2013
in MP 2/2013 in WP 16650/13) .. Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents, their men, agents, servants or anybody claiming through or under them from constructing 2 transmission towers under the guise of public purpose in petitioner's patta lands of an extent of 6 cents in Survey Nos.516/1, 516/2A, 517/3 and Survey No.488 in Ambur Town within the limits of Ambur Municipality, Vellore

District except by due process of law.

For Petitioner :: Mrs.S.Thamizharasi

For Respondents :: Mr.M.Varunkumar
 Standing Counsel for R1 to 4
 Mrs.P.Rajalakshmi
 Additional Government Pleader
 for R5

ORDER

Mr.P.N.Sridaran, S/o late P.V.Natarajan has filed this writ petition in the year 2013 seeking issuance of a mandamus under Article 226 of the Constitution of India, forbearing the respondents, namely, the Senior Engineer, Tamil Nadu Transmission Corporation Limited, Salem, the Executive Engineer, Tamil Nadu Transmission Corporation Limited, Tirupattur, the Assistant Director of Town, Tamil Nadu Transmission Corporation, Ambur, the Junior Engineer, Tamil Nadu Transmission Corporation Limited, Ambur and the District Collector, Salem, their men, agents, servants or anybody claiming through or under them from constructing two transmission towers under the guise of public purpose in the petitioner's patta land having an extent of 6 cents in Survey Nos.516/1, 516/2A, 517/3 and Survey No.488 in Ambur Town within the limits of Ambur Municipality, Vellore District except by due process of law.

2. It is the claim of the petitioner that when the petitioner is in possession of the land having an extent of 6 cents in Survey Nos.516/1, 516/2A, 517/3 and Survey No.488 in Ambur Town within the limits of Ambur Municipality, the second respondent and their staff numbering 15 informed the petitioner that they are to construct the transmission line dug in two places, 8 pits of about 10 feet breadth, length and width with the help of JCB machine. But in spite of the petitioner's objection, they have dug the pits in the land belonging to the petitioner. Immediately the petitioner spoke to the second respondent on 4.6.2013 and also on 6.6.2013 to drop the idea of construction of two transmission towers in his land. But it ended in vain. Therefore, a letter dated 12.6.2013 was sent to the respondents to drop any construction. Finding no response, he has been advised to come to this Court. The learned counsel also stated that the respondents have filed any counter affidavit and the transmission line also has not been put up in the petitioner's lands.

3. Opposing the above prayer, the learned standing counsel for the respondents 1 to 4 stated that the prayer has become infructuous, for the reason that the transmission line was already installed and with regard to the payment of compensation to the land in question, due compensation also has been paid to the petitioner and the same was also received by the petitioner.

4. Since the transmission line has already been installed and the compensation also has been received by the petitioner, nothing survives in the matter. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

ss
To

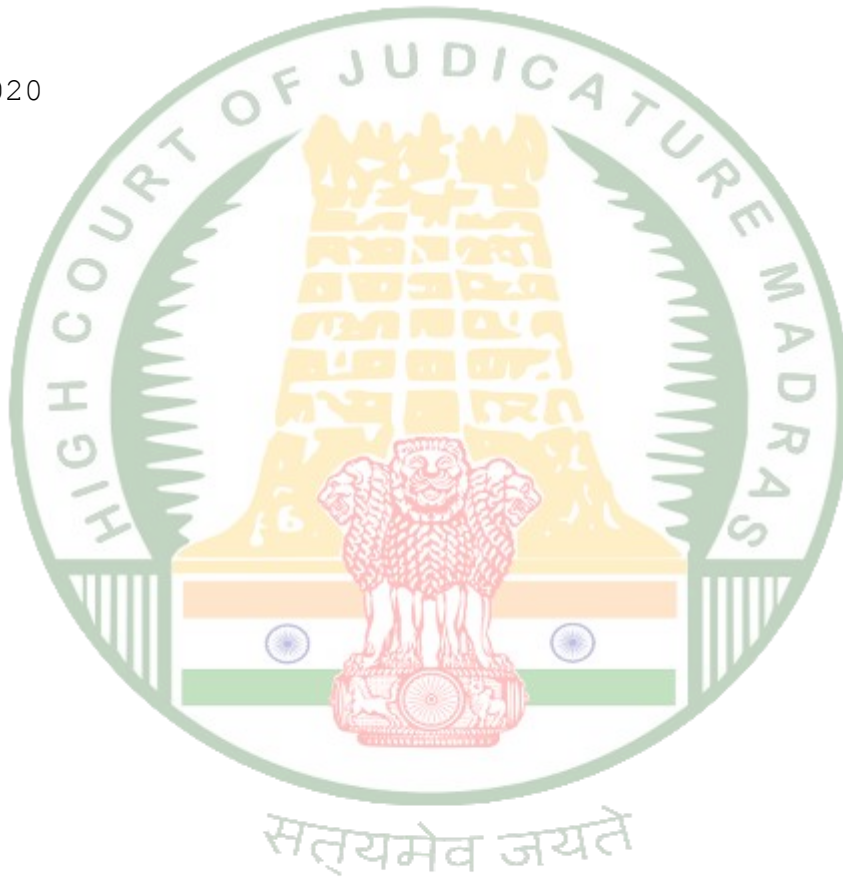
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5. The District Collector
Salem
Salem District

+1 cc to Mr.S.Thamizharasi Advocate sr91940
+1 cc to Mr.M.Varunkumar Advocate sr91833

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