

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.01.2019
CORAM
THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM
W.P.No.22156 of 2016
and
MP.No. 18898 of 2016

1.Palanisamy Gounder
2. R.P.Kandasamy ..Petitioners

vs

- 1.The Collector,
Tiruppur District,
Tiruppur.
- 2.The Executive Engineer,
The Tamil Nadu Transmission Corporation Ltd,
Transmission Line Construction,
Perundurai.
3. The Chairman cum Managing Director,
Tamil Nadu Generation & Distribution Corporation,
No.114, Anna Salai, Chennai-600 002. .. Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the letter No.Se.Po./Mi.A.Ka.Tho.Ka/Peru/F.objection/D.No.117/16 dated 10.05.2016 on the file of the 2nd respondent quash the same and direct the respondents to pay compensation to the petitioner under the provisions of the Indian Telegraph Act, 1885 or in the alternative to pay annual rent towards compensation for the loss to be incurred by the petitioner for the land situated in Re Survey Nos.505/1 (Old S.Nos.458/A,458/B,460/A) to the extent of 2.82.0 Hectare (6.97 acres),473/3A(old no.442/D) to the extent of 0.44.0 Hectare (1.08 acres) and 739/4 (Old S.No.512) to the extent of 0.34.0 Hectare (84 cents) of Sivanmalai village (Rayar valasu), Arasampalayam, Kangayam Taluk, Tiruppur District over which power line 400 KV DC Quad Rasipalayam 400 KV SS to palavadi 400KV SS transmission line is drawn.

For Petitioners : Mr.V.Elangovan
For Respondents : Mrs.R.Janaki,
Addl.Govt.Pleader for R1
Mr.Abdul Saleem for R2,R3

O R D E R

The relief sought for in the present writ petition is to quash the order dated 10.05.2016 and to direct the respondents to pay compensation to the writ petitioner under provisions of the Indian Telegraph Act, 1885 or in the alternative to pay annual rent towards compensation.

2. The learned counsel for the writ petitioner brought to the notice of this Court that, the licensee in order to carryout the works has to obtain necessary permission from the District Magistrate / District Collector which is mandatory. As far as the present writ petition is concerned, the writ petitioner has already submitted his objections before the District Collector, who in turn has not considered the same and no order has been passed.

3. It is contended that no enquiry has been conducted with reference to the objections filed by the writ petitioner. In view of the fact that the Competent Authorities/District Magistrate is yet to consider the objections filed by the writ petitioner by conducting an enquiry, this Court is inclined to direct the first respondent/District Collector to consider the representation / objections submitted by the writ petitioner by conducting an enquiry and by affording an opportunity to the parties and pass orders on merits and in accordance with law within a period of 4 weeks from the date of receipt of a copy of this order.

4. With these observations, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

Pkn
To

1.The Collector,
Tiruppur District,
Tiruppur.

2.The Executive Engineer,
The Tamil Nadu Transmission Corporation Ltd,
Transmission Line Construction, Perundurai.

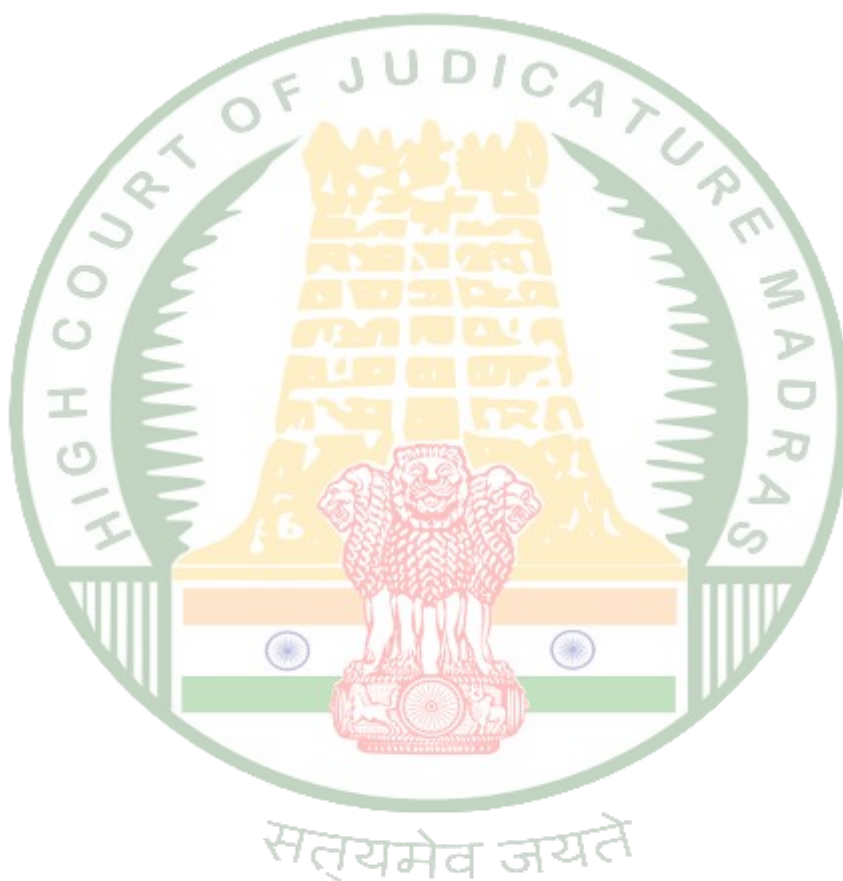
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3. The Chairman cum Managing Director,
Tamil Nadu Generation & Distribution Corporation,
No.114, Anna Salai, Chennai-600 002.

+1cc to Mr.S.Doraisamy , Advocate SR.No. 8034

W.P.No.22156 of 2016

A.SK(26/02/2019)



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