

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.01.2019

CORAM
THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.23338 of 2016
and
WMP.No.20039 of 2016

Dr.S.Boopathi

..Petitioners

vs

1.The Chairman,
TANGEDCO, Anna Salai,
Chennai - 600 002.

2.The Executive Engineer,
(Electricity Transmission Line Construction),
Erode Electricity Distribution Circle,
Erode.

3.The Assistant Executive Engineer,
(Electricity Transmission Line Construction),
Erode Electricity Distribution Circle,
Erode.

4. The District Collector,
Erode District, Erode.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 2 and 3 from erecting or laying foundation for Tower No.111 in the petitioner's land in R.S.No.2/1 and 2/2 of Moolakarai village, Perundurai Taluk, Erode District, and consequently direct the 4th respondent herein to conduct an enquiry under Section 16 of the Indian Telegraph Act, 1885, based upon the representation of the petitioner dated 20.06.2016.

For Petitioner :Mr.R.Karthikeyan
For Respondents : Mr.Abdul Saleem
R1 to R4

O R D E R

The relief sought for in the present writ petition is to forbear the respondents 2 and 3 from erecting or laying

foundation for Tower No.111 in the petitioner's land in R.S.No.2/1 and 2/2 of Moolakarai village, Perundurai Taluk, Erode District, and consequently direct the 4th respondent/District Collector to conduct an enquiry under Section 16 of the Indian Telegraph Act, 1885, based upon the representation submitted by the petitioner on 20.06.2016.

2. The learned counsel appearing on behalf of the respondent brought to the notice of this Court that the enquiry is yet to be completed in respect of the objections raised by the writ petitioner by way of representation dated 20.06.2016 and as per the provisions of the Indian Telegraph Act, 1885, the District Collector has to consider the objections and pass orders on merits and in accordance with law.

3. In view of the fact that such an exercise has not been done by the District Collector under the provisions of the Indian Telegraph Act, 1885, this Court is inclined to direct the 4th respondent/District Collector to consider the representation submitted by the writ petitioner on 20.06.2016 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. Accordingly, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

Pkn
To

- 1.The Chairman,
TANGEDCO, Anna Salai,
Chennai - 600 002.
- 2.The Executive Engineer,
(Electricity Transmission Line Construction),
Erode Electricity Distribution Circle,
Erode.
- 3.The Assistant Executive Engineer,
(Electricity Transmission Line Construction),
Erode Electricity Distribution Circle,
Erode.

4. The District Collector,
Erode District, Erode.

+lcc to Mr. R.Karthikeyan, Advocate SR.No. 7502

+lcc to Mr.Abdul Saleem , Advocate SR.No. 7506

W.P.No.23338 of 2016

A.SK(04/03/2019)



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