

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2019

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.14841 of 2019
& W.M.P.Nos.14820 & 14821 of 2019

A.Krishnan @ Kittu Samy,
S/o.Arumuga Nadar,
Door No.433, Rasi Nagar,
Vellakovil, Kangeyam Taluk,
Thiruppur District. Petitioner

/versus/

1. The District Collector,
Thiruppur.
2. Power Grid Corporation of India Limited,
Registered Office, No.B-9, Katwaria Sarai,
Delhi - 110 016.
3. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
10th Floor, NPKRR Maligai, 144, Anna Salai,
Chennai - 600 002.
4. The Manager,
Power Grid Corporation of India Limited,
Sub Electric Station,
TANGEDCO,
Paramathivelur,
Namakkal District.
5. P.Muthuraman,
S/o.Palanisamy,
Contractor for Power Grid Corporation of India Limited,
Door No.1/3, Kallimandayam,
Otanchathiram Taluk, Dindugul. ... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, for bearing the respondents 2 to 5 from erecting poles to draw 230 KV Low Tension wire over the Petitioner Patta Lands situated at

Kannivadi Village, Dharapuram Taluk, Tiruppur District for the Survey No.627 without giving any notice or seeking consent from the petitioner for such usage of petitioner Patta lands.

For Petitioner : Mr.Karan and Uday

For R1 : Mr.D.Suriyanarayan
Additional Government Pleader

For R3 : Mr.Abdul Saleem

For R2 & R4 : M/s.Aiyar & Dolia

O R D E R

Heard the learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner herein is the owner of the land situated at Kannivadi Village, Dharapuram Taluk, Tiruppur District, bearing S.No.627. There is no proceedings by any of the authorities either to acquire his land or to enter upon the land, to erect electrical poles. While so, during the 2nd week of May 2019, the 5th respondent and his associates, has entered into the petitioner's land in the guise of Contractor under respondents 2 to 4 and started digging pits for erecting poles. On enquiry, the 5th respondent has informed him that they are doing on behalf of the Tamil Nadu Electricity Board. Since there was no prior notice was issued to the petitioner regarding the said project, the petitioner has approached this Court, arraying the District Collector, Power Grid Corporation of India, TANGEDCO and the Contractor as respondents.

3. To ascertain whether any notification was issued for the project of erecting electrical lines upon the petitioner's land, notice was ordered to the respondents. In response to the notice, the Power Grid Corporation of India, Chennai (2nd respondent) has filed counter stating that the Power Grid Corporation has not envisaged any project for laying 230 KV transmission line at Kannivadi Village, Dharapuram Taluk, Tiruppur District. The said transmission line may relate to 3rd respondent/TANGEDCO. In their counter, the Power Grid Corporation of India, has specifically stated that they are nowhere connected with the project and hence, they are not necessary party to the present Writ Petition.

4. Today, M/s.Aiyar & Dolia, learned Standing Counsel appearing for the respondents 2 & 4 stating on instruction from TANGEDCO that they are not carrying out any project of 230 KV

transmission line in the said area, more particularly in the land of the petitioner. The 1st respondent/District Collector, for whom the Government Advocate took notice is unable to say anything about this matter, despite several adjournments. There is no responsible response from the 1st respondent/District Collector.

5. The 1st respondent/District Collector is the authority, to consider obstructions and objections of the Indian Telegraph Act, as per Section 16, if any work under Tamil Nadu Telegraph Act, 1885, is carried out. It appears from the information given by the counsels appearing for the respondents 2 to 4 that some private agency is trying to encroach upon the petitioner's land, to put up electrical pole and transmission line. The submission of the learned Standing Counsel appearing for the respondents (TANGDECO) reaffirms the same.

6. Therefore, this Court has no hesitation to allow this Writ Petition. Accordingly, Writ of Mandamus is issued directing the 1st respondent/District Collector, to take action against the 5th respondent and his men, for illegally encroaching upon the lands of the petitioner. Any structure put upon the land of the petitioner shall be removed forthwith. The 1st respondent/District Collector, shall initiated enquiry and award compensation to the petitioner for the disturbing the lawful enjoyment of the land. The 1st respondent/District Collector, Tiruppur, is directed to submit his action taken report to this Court, within a period of four weeks, from today.

7. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Deputy Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

bsm

To,

1. The District Collector,
Thiruppur.

2. Power Grid Corporation of India Limited,
Registered Office, No.B-9, Katwaria Sarai,
Delhi - 110 016.

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3. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
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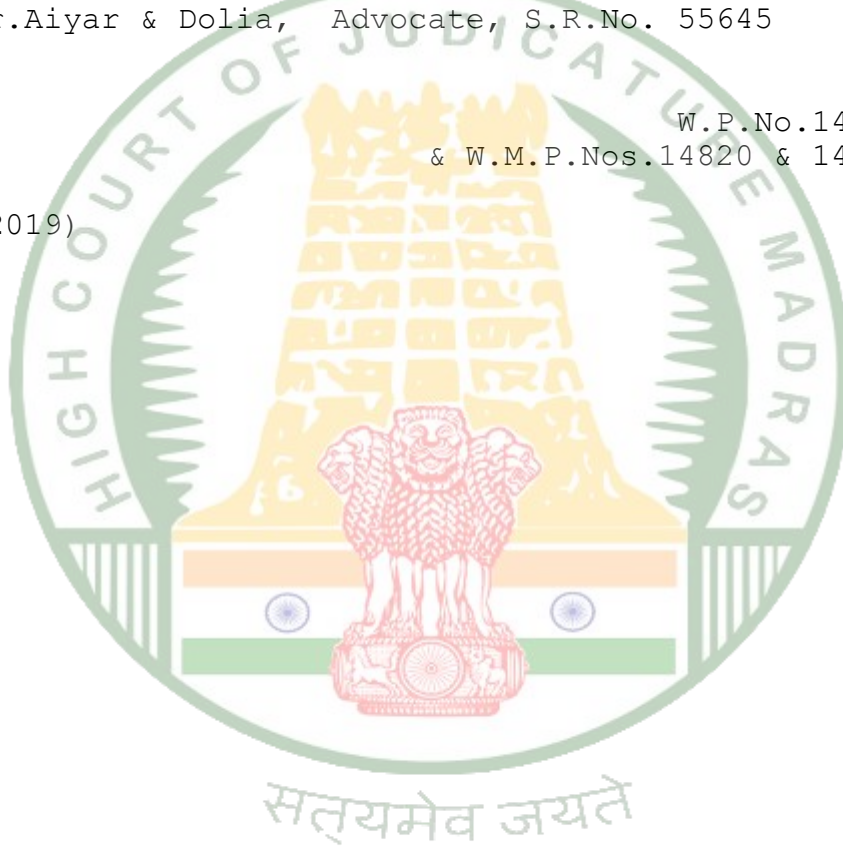
+1cc to Mr.Karan and Uday, Advocate, S.R.No. 55919

+1cc to Mr.Abdul Saleem, Advocate, S.R.No. 55540

+1cc to Mr.Aiyar & Dolia, Advocate, S.R.No. 55645

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RR(CO)
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