

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition Nos.14940, 24073 & 20919 of 2018
and W.M.P.Nos.17675, 24562 & 28057 of 2018

W.P.No.14940 of 2018

A.Murugasamy
...Petitioner

Vs

1. The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
144, Annasalai,
Chennai-600 002.
2. The Chief Engineer Civil,
Tamil Nadu Electricity Board Civil Transmission,
144, Annasalai,
Chennai.
3. The Chief Engineer,
Tamil Nadu Transmission Corporation
Mannarpuram
Chennai.
- 4.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation,
No.182-Doctor Subbarayan Salai,
Tatabad,
Coimbatore-641 012.
- 5.The District Collector,
Palladam Road,
Tiruppur-641 601,
Tiruppur District.

... Respondents

W.P.No.20919 of 2018
Avinashi Small Scale Industrial Estate Association,
Rep.by its The President,
CH.Ambalavanan,
Son of Chokkalingam,

No.9, Kamaraj Street,
Avinashi-638 654,
Tiruppur District

...Petitioner

Vs

1.The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
144, Annasalai,
Chennai-600 002.

2.The Chief Engineer,
Tamil Nadu Transmission Corporation,
Mannarpuram,
Trichy-620 020.

3.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation,
No.182-Doctor Subbarayan Salai,
Tatabad, Coimbatore-641 012.

4.The District Collector,
Palladam Road,
Tiruppur-641 601,
Tiruppur District.

... Respondents

W.P.No.24073 of 2018

L.Vasuki

...Petitioner

Vs

1.The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
144, Annasalai,
Chennai-600 002.

2.The Chief Engineer,
Tamil Nadu Transmission Corporation,
Mannarpuram,
Trichy-620 020.

3.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation,
No.182-Doctor Subbarayan Salai,
Tatabad, Coimbatore-641 012.

4.The District Collector,
Palladam Road,
Tiruppur-641 601,
Tiruppur District.

... Respondents

Prayer in W.P.No.14940 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certioararified Mandamus to call for the records of order dated 15.05.2018, vide proceedings in No.Na.Ka.11287/2016/Uu4, on the file of the 5th respondent and quash the same and directing the respondents to remove the high tension iron cables crossing above the agricultural land and bore well of petitioner land comprised in S.No.334/1A, 335 New Survey No.335/2 situated at Nambiyampalayam village, Avinashi Taluk, Tiruppur District.

Prayer in W.P.No.20919 of 2018:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certioararified Mandamus to call for the records of order dated 07.10.2017, vide proceedings in No.Na.Ka.11439/2017/Uu4, on the file of the 4th respondent and quash the same and directing the respondents to remove the tower electrical located in front of petitioner association land comprised in S.No.525/1, 525/2 situated at Vettuvapalayam village, Avinashi Taluk, Tiruppur District.

Prayer in W.P.No.24073 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certioararified Mandamus to call for the records of order dated 03.11.2017, in No.Na.Ka.4612/2017/Uu4, on the file of the 4th respondent and quash the same and direct the respondents to re locate the tower location No.36 as per Notification dated 09.10.2015 and also final route approved plan dated 15.03.2016.

For petitioner
in all Wps: Mr.K.Myilsamy

For Respondents : Mr.Abdul Saleem, St.c
For R1 to R4 in WP.No.14940/2018
For R1 to R3 in WP.Nos.20919 &
24073/2018

: Mr.N.Inbanathan, AGP
For R5 in WP.No.14940/2018
For R4 in WP.No.20919/2018
For R4 in WP.No.24073/2018

COMMON ORDER

These petitioners are the owners of the agricultural land situated in Tiruppur District. Wherein, the TANGEDCO taking a project for laying high tension line.

2. The grievance of the petitioners is that the respondents proposed to erect towers in their land, which was not marked originally notified and no opportunity is given to the land owners to erect towers. Therefore, the alignment of laying the transmission towers should be altered and re located elsewhere other than the petitioners land.

3. Per contra, the learned Additional Government Pleader appearing for the 5th respondent submitted that the respondents have followed the procedure as contemplated under law and only after affording opportunity to the petitioners, alignment was approved. The project was challenged before this Court and same was dismissed. After considered the records, this Court has held that the project is done in accordance with law.

4. In the light of the Division Bench judgment, the contention raised by the petitioners regarding the approval of alignment does not sustained. If the petitioners have any request to shift or alter the alignment, they can appeal to the District Collector under Section 17 of the Indian Telegraph Act, 1885, who is the Competent Authority to consider such request.

5. Therefore, these writ petitions are disposed giving liberty to the petitioners to work out the remedy as per Section 17 of the Indian Telegraph Act, 1885. If any such representation is made, the District Collector shall give an opportunity to all the parties concern and pass appropriate orders in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

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6.The District Collector,
Palladam Road,
Tiruppur-641 601,
Tiruppur District.

+2 CCS to Mr.K.Myilsamy, Advocate sr 68323, 68324.

+1 CC to The Govt. Pleader sr 68469, 68468, 68470.

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RR(CO)
SP(14/09/2019)

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