

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2019

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THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.37726 of 2016
and
W.M.P.No.32341 of 2016

P. Mani

.. Petitioner

Vs.

1. The Chief Manager,
Power Grid Corporation of India,
K.R.Thoppur, Salem.
2. Power Grid NM Transmission Ltd.,
Rep. by its Manager,
Konakapadi Post,
K.R.Toppur, Salem - 636 502.
3. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.
4. The District Collector,
Office of the Collectorate,
Dharmapuri District.
5. The Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri & District.

.. Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to directing the respondents or their servants or agents to forbear from erecting transmission line in furtherance of construction of pooling station - New Salem (Dharmapuri) 765 KV D/C transmission line, in his land comprised in Survey No.182/2A situated in (Thippireddihally) Oddupatti Village, Pilparuthi Post, Pappireddipatti Taluk, Dharmapuri District, without following due process of law in terms of the provisions of Electricity Act, 2003, Indian Electricity Act, 1910, Indian Telegraph Act, 1885 and the work of licensees Rules, 2006.

For Petitioner : Mr.T.Panchatsaram
For R1 and R2 : Mr.V.Kalyanaraman
for M/s.Aiyar & Dolia
For R3 and R5 : Mr.M.Varun Kumar
For R4 : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

The instant Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents from erecting transmission line in furtherance of construction of pooling station - New Salem (Dharmapuri) 765 KV D/C transmission line, in his land comprised in Survey No.182/2A situated in (Thippireddihally) Oddupatti Village, Pilparuthi Post, Pappireddipatti Taluk, Dharmapuri District, without following due process of law in terms of the provisions of Electricity Act, 2003, Indian Electricity Act, 1910, Indian Telegraph Act, 1885 and the work of licensees Rules, 2006.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the land in Survey No.182/2A situated in (Thippireddihally) Oddupatti Village, Pilparuthi Post, Pappireddipatti Taluk, Dharmapuri District, measuring an extent of 0.59.00 Hectares and patta has been issued in his name for the said property. The petitioner and his family, their ancestors have been in uninterrupted possession and enjoyment of the property for three generations. The land has been used over the years for cultivation of coconut trees, cotton trees, palm trees, penury trees, neem trees, and turmeric and the family has been surviving only on the income generated from the cultivation. Apart from the cultivation, the petitioner has no other steady and independent source of income for their sustenance.

3. The learned counsel for the petitioner further submits that some officials from the offices of respondent Nos.1 to 3 herein, visited the lands occupied and owned by the petitioner. On verification by the petitioner, he was informed that measurement exercise was in furtherance of proposed erection of transmission line through the lands in the area including that of the petitioner's. No notice or any prior information was given by the officials concerned to the petitioner. Hence, the petitioner is before this Court.

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

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation,

directs the 4th respondent/District Collector, Dharmapuri District, to consider the petitioner's representation dated 06.10.2016 and pass appropriate orders, on merits and in accordance with law, after adverting to paragraph Nos. 8 to 12 of the counter affidavit filed by respondent Nos. 1 and 2 herein, within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Manager,
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K.R.Thoppur, Salem.
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Dharmapuri District.
5. The Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri & District.

+1cc to Mr.T.Panchatsaram, Advocate, S.R.No. 25235
+1cc to the Government Pleader, S.R.No. 25166

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VG II(CO)
GN(23/04/2019)