



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.15429 of 2018

and

W.M.P.No.18310 of 2018

M/s.Chordia Educational Trust,
Rep.by its Chairman,
D.Senakraj Chordia,
S/o.Late Deep Chand,
No.29, Panrutti Road,
Ullundhurpet - 606 107,
Villupuram.

...Petitioner

Vs

- 1.The District Collector,
Villupuram - 605 602,
Villupuram District.
- 2.The Chairman
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai.
- 3.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Tower Line Construction Circle,
Mannarpuram, Trichy.
- 4.The Executive Engineer,
Tamilnadu Electricity Board,
Transmission Line Construction,
13, Dheepan Nagar,
Semandalam, Cuddalore - 03.
- 5.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Transmission Line Construction,
134, Jeeva Nagar,
Villupuram, Villupuram District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from erecting Tower No.164 and carrying out stinging of 230 KV High Tension Transmission Lines in over the petitioner's school premises bearing S.F.Nos.113/3, 129/5, to 129/7, 129/15, 127/10A2, 127/10B and 127/10C of



Olaiyanur Village, Ulundhurpet Taluk, Villupuram District by considering the representations dated 25.04.2018 and 30.04.2018 so as to protect its right to property, and life of the school children.

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For Petitioner : Mr.R.Vinoth Raja
for M/s.N.Manokaran

For Respondents: Mrs.P.Rajalakshmi
Additional Government Pleader

Mr.Abdul Saleem
Standing Counsel for R2 to R5

O R D E R

The petitioner / M/s.Chordia Educational Trust at Ulundhurpet, Villupuram has filed the present writ petition in the nature of a mandamus to forbear the respondents namely the Electricity Board from erecting Tower No.164 and carrying out stinging of 230 KV High Tension Transmission Lines in and over the petitioner's school premises in Olaiyanur Village, Ulundhurpet Taluk, Villupuram District. The representations in this regard were given on 25.04.2018 and 30.04.2018 by the petitioner.

2. The learned counsel for petitioner stated that the respondents do not have requisite power to erect the tower in the premises. It is stated that all of a sudden, the Officials of the respondents entered into the school to put up electric tower. The issue of putting up an electric tower by the Electricity Board is no longer res integra, by the judgement of the Division Bench of this Court in W.P.No.2032 of 2019. The Electricity Act, originally gives a power to the Electricity Board under Section 68 and Authorization is given under Section 164, in so far as the Telegraph Act is concerned Sections 10 & 16 are to be adhered to.

3. In the present case, since representation has been given by the petitioner, the authorities have to approach the District Collector, who has to give an opportunity to both the parties namely petitioner herein and the respondent and then take a considered decision on the proposal of erecting tower in the premises of the petitioner. Accordingly, both the parties are directed to approach the concerned District Collector, Villupuram District, who is to pass necessary orders on representations made by the writ petitioner and on application made by the respondents / Electricity Board.

4. It is stated by the learned standing counsel for the Electricity that they are not erecting tower in view of the pendency of the writ petition. Accordingly, the writ petition is disposed of today.



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5. Once again reiterating both the Electricity Board and the petitioner to approach the District Collector to resolve the issues, the District Collector may pass appropriate orders in accordance with law within 31.01.2020.

6. Accordingly, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pns

To

- 1.The District Collector,
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Villupuram District.
- 2.The Chairman
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- 3.The Superintendent Engineer,
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Transmission Line Construction,
134, Jeeva Nagar,
Villupuram, Villupuram District.

+1cc to Mr.N.Manokaran, Advocate SR.101333
+1cc to Mr.Abdul Saleem, Advocate SR.101526
+1cc to the Government Pleader SR.101662

Writ Petition No.15429 of 2018

RSV(CO)
CB(21/01/2020)