

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 03-07-2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI

AND

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.1782 of 2019

D.Mani ... Appellant/Petitioner

-VS-

- 1.State of Tamil Nadu,
rep.by its Collector,
Thiruvannamalai District,
Thiruvannamalai.
 - 2.Junior Engineer (O&M),
Tamil Nadu Electricity Board,
Thatturai, Cheyyar Taluk,
Thiruvannamalai District.
 - 3.Asst.Engineer (O&M),
Tamil Nadu Electricity Board
(TANGEDCO),
Thatturai, Cheyyar Taluk,
Thiruvannamalai District.
 - 4.The Chairman,
Tamil Nadu Transmission Corporation
(TANTRANSCO),
N.P.K.R.R.Maaligai,
No.144, Anna Salai,
Chennai.
-
- (Suo motu impleaded vide order
of Court 03/07/2019)

Respondents

Appeal under Clause 15 of the Letters Patent against the Order, dated 11.04.2019, passed in W.P.No.11063 of 2019 on the file of this Court.

Prayer in WP No.11063 of 2019 : Petition under Article 226 of the Constitution of India, praying for the issue of writ of Mandamus, forbearing the respondents their men agents subordinates or any others claiming through them from in any manner installing any high voltage electricity tower and fixing high Voltage electricity line through the may agricultur land in S.No.48/4 to an extent 0.24.5 Ares(60 cents) and the well in the said land with 3HP motor Nanja S.No.53/2A to an extent 0.27.5 Ares 0.68 cents Nanja S.No.53/2B to an extent of 0.48.0 ares 1.19 Acres Nanja S.No.54/3 to an extent of 0.05.0 Ares 13 cents punja S.No.54/1 0.50.5 Ares in total 1.25 acres with the right in the said with 3 HP Motors Punja S.No.48/3 to an extent of 0.23.5 Ares 0.50 cents totally 4.35 Acrs of land situate situated in Thenkalpakkam, Pinnathur Village, Cheyyar Taluk, Thiruvannamalai District.

For Appellant : Mr.S.Balasubramanian

For Respondent 1 : Mr.N.Srinivasan,
Addl.Govt.Pleader.

For Respondents 2 & 3 : Mr.S.K.Rameshwar

For Respondent 4 : Mr.S.Abdul Saleem

JUDGMENT

(By Dr.Vineet Kothari,J.)

This Writ Appeal has been filed by the Appellant-writ petitioner-D.Mani, S/o.Duraikannu, Karunilam Village, Chengalpet Taluk, Kancheepuram District, aggrieved by the order of the learned Single Judge, dated 11.04.2019, passed in W.P.No.11063 of 2019, by which, the learned Single Judge held that the objections of the Appellant-writ petitioner that no electricity transmission line can be drawn through his land cannot be decided by the Writ Court and, therefore, the Writ Petition was found to be without merit.

2. The Project in question seems to be one of drawing High Voltage Electricity Line by the Respondent-TANTRANSCO of approximately 195 kms. of length from Rasipalayam to Dharmapuri. The said Project is said to have been sanctioned in the month of October,2015, and on hearing a Batch of other similar Appeals, Mr.S.Abdul Saleem, learned counsel for TANTRANSCO, brought to our notice that the said Project is almost 75% complete and the dispute pending in this Court pertains only to 25% of the area for erection of towers and wiring of the same. The Project was sought to be completed by 20th of June,2017, but it has been

delayed by a series of litigations pending before this Court.

3. However, Mr.S.Balasubramanian, learned counsel for the Appellant, urged before us that he has not raised any point with regard to powers of the Corporation to draw the Power Transmission Lines and his only grievance before this Court is that the authorities of the Respondent-Corporation and the State have suddenly asked him to vacate the premises for erection of Towers in March,2019, and aggrieved by the said situation, he submitted a representation to the District Collector, Thiruvannamalai, which was dropped in the Grievance Box of the Collectorate, but he has not retained any copy thereof, and, since there is a threat of dispossession and erection of Power Transmission Lines, he has approached this Court.

4. Learned counsel for the Appellant submitted before us that for erection of Power Transmission Line in his land, the normal line of course of the Power Transmission Line would be distorted and it would result in 'L' shape of the Transmission Line.

5. Learned counsel for the Fourth Respondent, however, submits that the questions of facts cannot be raised in this Appeal before this Court and hence the appellant may be relegated to the District Collector, Thiruvannamalai, to look into the questions of facts and decide the representation of the appellant.

6. Having heard the learned counsel for the parties, since the appellant does not readily have a copy of the said representation itself, which is said to have been filed before the learned District Collector, we direct the appellant to be present himself with an authorised representative before the District Collector, Thiruvannamalai, in the first instance on 19.08.2019 at 11.00 A.M., and produce before him the entire copy of the Writ Petition i.e., W.P.No.11063 of 2019 and its Annexures, which shall be treated as the representation of the appellant, upon which the learned District Collector is directed to hold an inquiry into the facts stated in the Writ Petition and decide the same as the representation filed by the appellant and pass a speaking order, after affording an opportunity of hearing to the appellant as well as the representative of TANTRANSCO. Such order from the District Collector is expected to be passed before 31.08.2019.

7. Until 31.08.2019 or before that, if the District Collector, Thiruvannamalai, decides the said representation of the appellant, it is expected that the respondents shall not carry out the erection work in the land of the appellant. However, after the aforesaid period, the respondents shall abide by the orders passed by the learned District Collector, Thiruvannamalai, in the case of the appellant. The appellant will appear before the District Collector, Thiruvannamalai, on 19.08.2019 at 11.00 A.M., as aforesaid, without any further

notice.

8. With the above directions and observations, this Writ Appeal is disposed of. No costs. Consequently, the connected C.M.P.No.12098 of 2019 also stands disposed of.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

dixit

To

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.Junior Engineer (O&M),
Tamil Nadu Electricity Board,
Thatturai, Cheyyar Taluk,
Thiruvannamalai District.
- 3.Asst.Engineer (O&M),
Tamil Nadu Electricity Board
(TANGEDCO),
Thatturai, Cheyyar Taluk,
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- 4.The Chairman,
Tamil Nadu Transmission Corporation
(TANTRANSCO),
N.P.K.R.R.Maaligai,
No.144, Anna Salai,
Chennai.

+1cc to Mr.S.Balasubramanian, Advocate SR.No.55294

+1cc to Government Pleader SR.No.55970

W.A.No.1782 OF 2019

VBA(CO)
GMY(13/08/2019)