

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition Nos.26670 of 2019 and 16740 of 2018

and

W.M.P.Nos.26058 of 2019 and W.M.P.No.19928 of 2018

W.P.No.26670 of 2019:

Prameswari

.. Petitioner

/versus/

1.The Tamil Nadu Electricity Board
Represented by its Chairman,
Anna Salai, Madras.

2.The Assistant Divisional Engineer,
TANGEDCO,
High Voltage Tower(Installation),
Vengalapuram, Tirupattur,
Vellore District.

3.The Superintendent Engineer,
TANGEDCO,
High Voltage Tower, Balammal Colony,
Tirupattur, Vellore District.

4.The Chief Engineer,
TANGEDCO,
High Voltage Tower, Gandhi Nagar,
Katpadi, Vellore District.

.. Respondents

W.P.No.16740 of 2018:

Brindavan Matriculation Higher Secondary
School, Vettapattu Road, Gandhipuram,
B.Bandarapalli Village,
Nattrampalli Taluk,
Vellore District 635 852
Rep.by its Correspondent,
G.Ashokan,
S/o P.K.Govindasamy

.. Petitioner

/versus/

1.The Chief Engineer(Personnel) (TLC),
The Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai 600 002.

2.The Superintending Engineer,
General Construction Circle (TLC),
The Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO),
Udayapattu,
Salem.

3.The Executive Engineer,
General Construction Circle (TLC),
The Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO),
Vengalapuram,
Tirupathur Taluk,
Vellore District.

4.The Assistant Executive Engineer,
Generation Construction Circle (TLC),
The Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO),
Katpadi, Vellore District.

... Respondents

Prayer in W.P.No.26670 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus restraining the respondents their men, agents and subordinates from installing High Voltage Tower at survey Nos.421,423 & 424 measuring an extent of 1 acre Natrampalli Village, Tirupattur Taluk, Vellore District.

Prayer in W.P.No.16740 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from drawing the transmission tower line-High Tension Line with 110 KV through the playground area of the petitioner school comprised in S.No.420/2B and 421/3 and 421/3B, B.Bandarapalli Village, Natrampalli Taluk, Vellore District and consequently direct the respondents to alter the line of the High Tension Line Path 50mts away from the second tower in respect of Vinnamangalam to Natrampalli Sub Station Transmission Tower Line, by considering the representation submitted by the petitioner dated 22/06/2018.

For Petitioner (W.P.No.26670/2019)	:Mr.R.Poornima
For Petitioner (W.P.No.16740/2018)	:Mr.G.Sankaran
For Respondents (both Cases)	:Mr.Abdul Saleem, Standing Counsel

COMMON ORDER

The writ petitioners are in connection with the route of 110 KV line passing through Vinnamangalam to Natrampalli Sub Station. When the first respondent has surveyed the land and started erecting high tension tower line, the petitioner in W.P.No.16740 of 2018 has objected on the ground that the high tension electric line is passing through playground of the school and approached this Court. This Court has granted nterim order of Status Quo. In view of the interim order, the first respondent has started exploring whether any alternate route is possible.

2. In the said course, the petitioner in W.P.No.26670 of 2019 apprehending that the high tension line may pass through her land, has filed the writ petition seeking Mandamus restraining the first respondent their men, agents and subordinates from installing High Voltage Tower at survey Nos.421,423 & 424 measuring an extent of 1 acre Natrampalli Village, Tirupattur Taluk, Vellore District.

3. In view of the pending writ petitions and objections raised by the respective land owners, the first respondent has sought intervention of the District Collector under Section 10 of the Indian Telegraphic Act, 1885 to grant enter upon the premises as per the approved scheme.

4. The letter of the first respondent to the District Collector Vellore, dated 09.08.2019 reads as below:

"TNTRANSCO is executing the work of construction of 110 KV HT line works in between Vinnamalangam 230/110 KV Sub Station and Natrampally 110/33 KV Sub Station with 147 number of transmission towers and route length of 36.455 kn under the guidelines of above referred Government Order, TANTRANSCO

proceedings and at an approved profile route by the competent authority of TANTRANSO.

Now the works are in nearing completion with the progress of 142 number of tower foundations completed out of 147 numbers, 133 number of tower erection completed out of 147 numbers and 29.20 km of conductor stringing completed out of 36.455km.

During the execution of tower erection works at location 144 [230490 (E)/1392735(N)] & location 143 [230672 (E)/1392710(N)] the near by School correspondent (Brindavan Matriculation Higher Secondary School, Natrampally) Mr.G.Asokan, S/o Govindasamy (Age 50) is objecting to continue the tower erection works and got status quo from the Hon'ble High Court of Madras because of the conductor passing at the corner of the play ground compound wall. Then the tower erection works were stopped in locations 144 & 143 and continued the other portion of works and now works are in nearing completion. Parallellly actions are being continued for vacating the status quo orders from Hon'ble High Court of Madras."

5. The first respondent has also recorded his concern regarding the delay in the project due to the objection of the land owners and therefore, sought for intervention of the District Collector and grant right of entry in exercise of his power under Section 16(1) of the Indian Telegraph Act 1885.

6. In the light of the subsequent development, this Court is of the view that it is suffice to direct the District Collector to consider the objections of the writ petitioners, in the light of the request made by the first respondent and to pass appropriate orders to enable the first respondent to carryout the project in accordance with law.

7. Accordingly, these writ petitions are disposed of. The District Collector, Vellore is directed to dispose of the petition filed under Section 10, after affording opportunity to

the parties concerned within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1.The Tamil Nadu Electricity Board
Represented by its Chairman,
Anna Salai, Madras.

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High Voltage Tower(Installation),
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High Voltage Tower, Balammal Colony,
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4.The Chief Engineer,
TANGEDCO,
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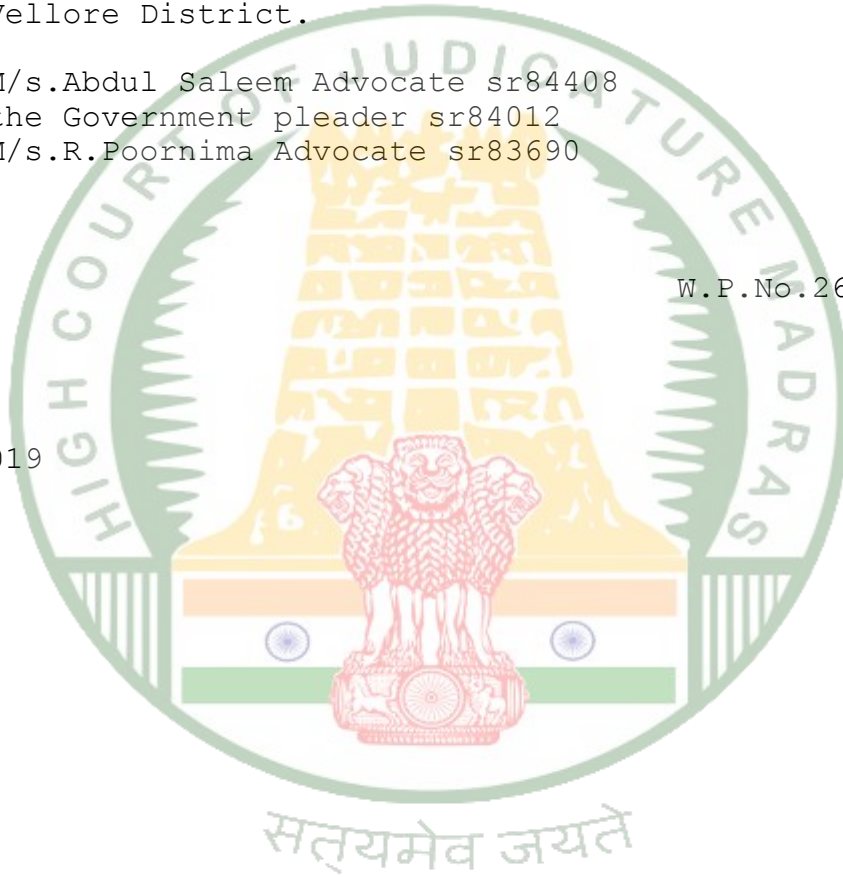
7.The Executive Engineer,
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The Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO),
Katpadi, Vellore District.

+1 cc to M/s.Abdul Saleem Advocate sr84408
+1 cc to the Government pleader sr84012
+1 cc to M/s.R.Poornima Advocate sr83690

W.P.No.26670 of 2019

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