

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.01.2019
CORAM
THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM
W.P.Nos.6261 & 6262 of 2017
and
WMP.Nos. 6748, 6749 of 2017

1. K.Muthusamy
... Petitioner in WP.No.6261/2017
2. S.Durai
..Petitioner in WP.No.6262/2017

vs

- 1.The District Collector,
Erode District, Erode.
2.The Superintendent Engineer,
General Construction Circle,
TANTRANSCO,
Dr.Subbarayan Road,
Tatabad, Coimbatore - 12.
3.The Executive Engineer,
General Construction Circle,
TANTRANSCO,
Ellamedu, Ingur,
Perundurai Taluk,
Erode District.
.. Respondents in both the petitions

Prayer in WP.No.6261 of 2017: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from erecting, drawing any High Tension Electricity Towers or Lines in the petitioner's Agricultural Lands measuring Acres 40, bearing S.F.Nos.323/9, 325/2 & 330/5 of Chennaimalai Village, Perundurai North Taluk, Erode District, until the strict compliance of the Sections 10 & 16 of the Indian Telegraphic Act, 1885 r/w Sections 68 & 164 of the Indian Electricity Act, 2003.
Prayer in WP.No.6262 of 2017: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from erecting, drawing any High Tension Electricity Towers or Lines in the petitioner's Agricultural Lands measuring Acres 40, bearing S.F.Nos.133/2A2B2 of Periyapuliur Village, Bhavani Taluk, Erode District, until the strict compliance of the Sections 10 & 16 of the Indian Telegraphic Act, 1885 r/w Sections 68 & 164 of the Indian Electricity Act, 2003.

For Petitioners : Mr.V.Lakshmi Narayanan
for Va Vu Si Vazhakagam

For Respondents : Mrs.R.Janaki
Additional Government Pleader
for R1

: Mr.Abdul Saleem for R2 & R3
(in both writ petitions)

COMMON ORDER

The relief sought for in the present writ petitions are to forbear the respondents from erecting, drawing any High Tension Electricity Towers or Lines in the petitioners Agricultural Lands measuring Acres 40, bearing S.F.Nos.323/9, 325/2 & 330/5 of Chennaimalai Village, Perundurai North Taluk and bearing S.F.Nos.133/2A2B2 of Periyapuliur Village, Bhavani Taluk, Erode District.

2. The grievances of the writ petitioner is that the project for erecting High Tension electricity tower is proposed in respect of the agriculture land belongs to the writ petitioner. In this regard, the writ petitioner has submitted an objections/explanations to the District Collector concerned, for conducting an enquiry and to consider the case of the writ petitioner. However, the District Collector, Erode has not yet passed an order by conducting an enquiry.

3. Under the provisions of the Works of Licensees Rules,2006, the District Magistrate/District Collector is empowered to conduct an enquiry and pass orders granting permission to enter in to the agricultural lands in favour of the licensees or otherwise for the purpose of erecting High Tension electric towers. In view of the rules cited supra, the District Collector,Erode has to conduct an enquiry and pass orders on merits.

4. In view of the matter, the first respondent/District Collector, Erode District is directed to consider the objections/explanations submitted by the writ petitioner by conducting an enquiry and affording an opportunity to the writ petitioner and to all other parties and pass orders on merits and in accordance with law within a period of 4 weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petitions stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Pkn

To

1.The District Collector,
Erode District, Erode.

2.The Superintendent Engineer,
General Construction Circle,
TANTRANSCO,
Dr.Subbarayan Road,
Tatabad, Coimbatore - 12.

3.The Executive Engineer,
General Construction Circle,
TANTRANSCO,
Ellamedu, Ingur,
Perundurai Taluk,
Erode District.

+1cc to Mr.Abdul Saleem, Advocate sr.no.8388

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W.P.Nos.6261 and 6262 of 2017

gp(co)
nr 14/03/2019

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