

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.29113 of 2019
and
W.M.P.No.28884 of 2019

K.Ranganathan ... Petitioner

Versus

- 1.The District Collector,
Collectorate,
Tiruppur - 641 604.
2. Power Grid Corporation of India Limited,
Reg Off: No.B-9, Katwaria Sarai,
Delhi - 110 016.
3. The Manager,
Power Grid Corporation of India Limited,
Sub-Electric Station, TANGEDCO,
Paramathi, Vellore,
Namakkal District.
4. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
10th Floor, NPKRR Maaligai, 144, Anna Salai,
Chennai - 600 002.
5. The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, 2nd Floor,
Eastern Wing, Chennai- 600 002.
6. The Superintending Engineer,
Non-Conventional Energy Sources,
Kolumam Road,
Udumalpet,
Tirupur District - 642 126.
7. K.S.Wind & Renewables India Private Limited,
Rep.by its Managing Director,
Contractor for Power Grid Corporation of India Limited,
No.6/106, Karattur Post - Pongamathur,
Udumalpet,
Tirupur - 642 207. ... Respondents

PRAYER:-Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, forbearing the respondents 2 to 7 from digging pits, erecting poles to draw electric cables of any nature over the petitioner land comprised in Survey Nos.1042C, 1059/A2, 1059/C, 1060/A2, 1060/C, 1043/1 and 1043/4 at Kannivadi Village, Dharapuram Taluk, Tiruppur District.

For Petitioner ..	Mr.T.V.Suresh Kumar
For R1 ..	Mr.N.Inbanathan, Additional Government Pleader
For R2 and R3 ..	M/s.Rita Chandrasekar
For R4 to R6 ..	Mr.Abdul Saleem, Standing Counsel

O R D E R

The petitioner herein has filed this Writ Petition seeking for issuance of a Writ of Mandamus, forbearing the respondents 2 to 7 from digging pits and erecting poles to draw electric cables of any nature over the petitioner land comprised in Survey Nos.1042C, 1059/A2, 1059/C, 1060/A2, 1060/C, 1043/1 and 1043/4 at Kannivadi Village, Dharapuram Taluk, Tiruppur District.

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

3. The petitioner herein is the owner of the land situated at Kannivadi Village, Dharapuram Taluk, Tiruppur District, bearing S.Nos. 1042C, 1059/A2, 1059/C, 1060/A2, 1060/C,1043/1 and 1043/4. It is alleged by the petitioner that the respondents 2 to 7, without any notice or authority or consent, had entered into his land and carrying on the said activity regarding erection of electrical poles and with great difficulty, he has prevented them from proceeding. Apprehending that if the respondents erect the poles and towers, it will affect his agricultural activity and is also a threat to trees in the land.

4. This Court issued notice to the respondents and from the learned counsel appearing for Power Grid Corporation and TANGEDCO, the Court came to be known that the said activities were not done by them. Thereafter, the first respondent-District Collector, Tiruppur was asked to file action taken report. The first respondent has filed reply affidavit, dated 18.10.2019 about the activity alleged to have been carried on in the land

owned by the petitioner.

5. In the status report, the District Collector has stated that the seventh respondent/private power generator, without any consent of the land owner and permission of the Government, is carrying on the said activity and the same has been taken note of by the District administration and instructions had been given to the private operators not to enter upon private land owners without their consent.

6. The reply affidavit filed by the District Collector, reads as follows:-

"5.....private concern carrying out the tower erection work for its own business not for service to the public, being thus, any obstacles in erecting tower should be meet out by the private concern on their own risk and they have no right to claim the assistance of Government machineries for their own business. This W.P 22376/2019 is pending before this Court.

6. I submit that no high tension tower or tower lines have been formed in the petitioner's land. However the said private concern was strictly instructed that not to commence the tower line erection works in the petitioner's land and also any other private land without getting consent from the land owners. Further the field level Revenue Officials are strictly instructed to keep vigilance in this regard."

7. In view of the above reply affidavit filed by the District Collector, this Court is of the opinion that the prayer sought for in the Writ Petition is to be allowed by issuing a Writ of Mandamus forbearing the seventh respondent from carrying on any illegal activities in the lands in question of the petitioner herein.

8. Accordingly, this Writ Petition is allowed, as against the seventh respondent. There shall be no order as to costs. Consequently, connected W.M.P is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Collectorate,
Tiruppur - 641 604.
2. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
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Kolumam Road,
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Tirupur District - 642 126.

+1cc to Mr.Genicon & Associates, Advocate, S.R.No. 92319

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MR(CO)
GN(11/12/2019)