

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.Nos.31249 & 31254 of 2019

and

W.M.P.Nos.31387, 31389, 31390, 31390, 31393 & 31395 of 2019

Thervoykandigai Farmers Welfare Association,
Rep.by its President
Thiru M.Haridass,
No.153, Tiruvalluvar Street,
Thervoykandigai Village & Post,
Gummidipoondi Taluk,
Thiruvallur District,
Tamil Nadu-601 204.

.. Petitioner in both WPs

/versus/

- 1.The Government of Tamil Nadu,
Rep.by its Principle Secretary,
Energy Department, Secretariat,
Fort St.George,
Chennai-600 009.
- 2.Tamil Nadu Transmission Corporation Ltd.,
Rep.by its Chairman, 10th Floor,
NPKRR Maligai, 144, Anna Salai,
Chennai-600 002.
- 3.The Junior Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation Ltd.,
10A, Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai-600 032.
- 4.The District Collector,
Thiruvallur District,
Thiruvallur,
Tamil Nadu.

5.The Revenue Divisional Officer,
Ponneri,
Thiruvallur District,
Tamil Nadu.

6.The Tahsildar,
Gummidipoondi,
Thiruvallur District,
Tamil Nadu.

.. Respondents in Both WPs

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus, calling for the records comprised in the consequential notices/notifications/letters passed by the 2nd respondent including a notice letter No.30/19 dated 05.02.2019 issued by the 3rd respondent in the Impugned Order dated 10.02.2012 passed by the 2nd respondent and quash the same as arbitrary and illegal and direct the 2nd respondent to erect the proposed transmission lines, including the electricity towers on the alternative pathway available in Thervoykandigai Village Viz., through the Government-owned poramboke land bearing S.Nos.289, 248, 247, 255, 239, 227, 225, 230, 33/2 and 32/2.

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mr.Abdul Saleem, St.c for R1 to R3
Mr.K.Ravikumar, AGP for R4 to R6

COMMON ORDER

By consent, the main writ petitions are taken up for disposal at the admission stage itself.

2. Writ of Certiorarified Mandamus, to call for the records the order dated 10.02.2012 passed by the 2nd respondent which has approved the proposal of establishing 400 KV sub Section at Thervoykandigai Village.

3. The grievance of the petitioners is that the proposed tower line for the said project runs across the agricultural land. If the project is allowed, their livelihood will be affected. Hence they gave representation to the Junior Engineer, TANGEDCO to alter the tower line along with the Maichal Poramboke and Anathenam land. The said representation dated 05.02.2019 was not considered by the Junior Engineer, TANGEDCO

on the ground that the proposed tower line has already been approved after considering all the necessary requirements as contemplated under the Act.

4. The learned Standing counsel appearing for the TANGEDCO submits that since there is a serious objection by some of the land owners regarding the route of the high tension power line, the TANGEDCO has requested the District Collector to remove the obstruction under Section 16 of the Indian Telegraphic Act. The District Collector has caused notice to the parties concerned to appear before him on 18.11.2019 for enquiry regarding the request of the respondents to remove the obstruction and enter upon permission.

5. Since the District Collector has now seized of the matter, it is open to the petitioner herein to appear before the District Collector and participate in the enquiry initiated under Section 16 of the Indian Telegraphic Act.

6. The proceedings dated 10.02.2012 under challenge is only an administrative approval granted for the project. The subsequent communication of the Junior Engineer dated 05.02.2019 is after the proposal initiated in the year 2012 been scrutinized by the concerned authorities and the permission granted to proceed with the project by the 2nd respondent being the licensee as defined under the Act. If the petitioner has any grievance regarding the route and want deviation of the route alignment under the Act the appropriate forum is the District Collector, who has already seized of the matter under Section 16 of the Indian Telegraphic Act.

7. Hence, this Court finds no reason to entertain the writ petitions and the same are disposed of with liberty to the petitioner to participate in the enquiry before the District Collector to be held on 18.11.2019 and place their representation for his consideration. Consequently, the connected miscellaneous petitions are also closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principle Secretary,
Government of Tamil Nadu,
Energy Department, Secretariat,
Fort St.George,
Chennai-600 009.
 - 2.TheChairman,
Tamil Nadu Transmission Corporation Ltd.,
10th Floor,
NPKRR Maligai, 144, Anna Salai,
Chennai-600 002.
 - 3.The Junior Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation Ltd.,
10A, Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai-600 032.
 - 4.The District Collector,
Thiruvallur District,
Thiruvallur,
Tamil Nadu.
 - 5.The Revenue Divisional Officer,
Ponneri,
Thiruvallur District,
Tamil Nadu.
 - 6.The Tahsildar,
Gummidipoondi,
Thiruvallur District,
Tamil Nadu.
- +2cc to Mr.Suhrith Parthasarathy, Advocate sr.93404
+1cc to Government Pleader SR.NO. 93377, 93378

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nr(co)
nr 18/12/2019