IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.11.2019

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WRIT PETITION NO.29293 OF 2019
AND
W.M.P.NO.29093 OF 2019

Selvaraj ... Petitioner

Versus

1. The District Collector,
   Tiruppur District,
   Tiruppur.

2. The Superintending Engineer,
   Non-Conventional Energy Sources,
   TANGEDCO, Koluman Road, Udamalapet,
   Tiruppur District - 642 126.

3. The Chairman and Managing Director,
   Tamil Nadu Generation and Distribution
   Corporation Limited, 10th Floor, NPKRR Maligai,
   No.144, Anna Salai, Chennai - 600 002.

4. K.S.Wind & Renewable India Private Limited,
   No.40, Vishalakshi street,
   Aiswarya Garden, Goparasanallur,
   Poonamallee, Chennai - 600 056.

5. P.Muthuraman ... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1 to 3rd respondents forbearing the 4th and 5th respondents from erecting Electricity poles on the petitioner's land and draw 230 K.V High per transmission wire over the petitioner's lands situated at Kannivadi Village, Dharapuram Taluk, Tiruppur District comprised in S.No.571/1, measuring an extent of 2.21 acres, without giving any prior notice or seeking consent from the petitioner for such usage of the petitioner patta lands.

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For Petitioner .. Mr.S.Kannan

For R1 .. Mr.N.Inbanathan,
Additional Government Pleader

For R2 and R3 .. Mr.Abdul Saleem,
Standing Counsel

For R4 .. M/s.Kanimozhi mathi

For R5 .. No appearance

O R D E R

The petitioner herein has filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the 1 to 3rd respondents forbearing the 4th and 5th respondents from erecting Electricity poles on the petitioner's land and draw 230 K.V High per transmission wire over the petitioner's lands situated at Kannivadi Village, Dharapuram Taluk, Tiruppur District comprised in S.No.571/1, measuring an extent of 2.21 acres, without giving any prior notice or seeking consent from the petitioner for such usage of the petitioner patta lands.

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 to an extent of 2.21 acres in S.No.571/1 at at Kannivadi Village, Dharapuram Taluk, Tiruppur District. Alleging that the fifth respondent who is a contractor under the fourth respondent on 13.09.2019 with an intention of erecting pole in the petitioner's land forcibly entered into his land without notice and permission.

4. On enquiry, he came to know that they are working on behalf of TANGEDCO. Hence, he gave objection letter to the District Collector and others on 27.09.2019, requesting to stop the unauthorized act of the fourth and fifth respondent who are trying to erect electricity pole in his land without prior notice and permission.

5. The District Collector has filed reply affidavit stating that the fourth and sixth respondents are private concern carrying work of electrical tower erection for their business and not for service to the public and further submitted that the private concern carrying out the tower erection work for its own business being thus, any obstacles in erecting tower should be meet out by the private concern on their own risk and they have

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no right to claim the assistance of Government machineries for their own business.

6. In this regard, it is also brought to the notice that the criminal complaint has been lodged against the respondents 4 and 5 for trespass. In any event, the act of the respondents 4 and 5 entering upon the land of the petitioner without authority is illegal and improper.

7. Hence, this Writ Petition is allowed. The respondents 4 and 5 are restrained from entering the land of the petitioner's for erecting tower without their explicit consent. There shall be no order as to costs. Consequently, connected W.M.P is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
   Tiruppur District,
   Tiruppur.

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   TANGEDCO, Koluman Road, Udamalapet,
   Tiruppur District - 642 126.

3. The Chairman and Managing Director,
   Tamil Nadu Generation and Distribution
   Corporation Limited,
   10th Floor, NPKRR Maligai,
   No.144, Anna Salai, Chennai - 600 002.

+1cc to Mr.S.Kannan, Advocate, S.R.No.91829
+1cc to M/s.Kanimozhi Mathi, Advocate, S.R.No.91956
+1cc to Mr.Abdul Saleem, Advocate, S.R.No.92111

Writ Petition No.29293 of 2019 and
W.M.P.No.28884 of 2019

SJ(CO)
CS/05/12/2019

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