



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.30179 of 2019
and
W.M.P.No.30141 of 2019

R.Chinnathayee

...Petitioner

Versus

1. The District Collector,
Salem District,
Salem.

2. The Executive Engineer,
Tamil Nadu Transmission Corporation Ltd.,
Salem - 14.

...Respondents

PRAYER:-Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to give an opportunity of hearing to the petitioner with respect to the election of electricity transmission tower in the petitioner's lands in Patta.Nos.800, 276/7B, 276/7E, 276/7H, 276/7J, 276/7L, 276/7N, 276/7Q, 276/7U in Boominayakanpatti, Pagalpatti Village, Salem District, Salem.

For Petitioner	..	Ms.R.Meenal
For R1	..	Mr.J.Purushothaman, Government Advocate
For R2	..	Mr.Abdul Saleem Standing Counsel

O R D E R

The petitioner herein is the land owner of property in S.Nos.800, 276/7B, 276/7E, 276/7H, 276/7J, 276/7L, 276/7N, 276/7Q, 276/7U in Boominayakanpatti, Pagalpatti Village, Salem District, Salem.

2. The apprehension of the petitioner herein is that, the second respondent, in view of the project, trying to erect towers on her land without exploring the alternate alignment



through Government poramboke land. Several representation has been given to the first respondent to conduct an enquiry on her objection not being so far considered and therefore, seeks indulgence of this Court to issue Writ of Mandamus the first respondent to give opportunity of hearing the petitioner before permitting the respondents from entering upon her land.

3. The learned Government Advocate appearing for the first respondent submits that the objection made by the petitioner herein has been received by the District Collector and in exercise of power under Section 16 of the Indian Telegraph Act, notice has been caused to the licensee as well as the land owner to explore the possibility of route. The enquiry is in progress and once the report from the licensee is received, the District Collector will pass orders.

4. It is appropriate to direct the first respondent to pass order in accordance to law considering the objection and the report and till then, the second respondent shall not be permitted to enter the land of the petitioner.

5. In the light of the above observation, this Writ Petition is disposed of with direction to the first respondent to complete the enquiry and pass orders within a period of four weeks in accordance with law. No costs. Consequently, connected W.M.P is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Salem District,
Salem.

2. The Executive Engineer,
Tamil Nadu Transmission Corporation Ltd.,
Salem - 14.

+1 CC to M/s.R. Meenal, Advocate sr 94392.

+1 CC to Mr. Abdul Saleem, Advocate sr 95197

+1 CC to The Govt. Pleader sr 94616.

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GP(CO)
SP(26/12/2019)