

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.29887 of 2019
and
W.M.P.No.29794 of 2019

K.R.Rathinasabapati

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Petitioner

Versus

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, 2nd Floor, Eastern Wing,
Chennai - 600 002.
3. The Superintending Engineer,
Non-Conventional Energy Sources,
TANGEDCO, Kolumam Road,
Udumalpet - 642 126,
Tiruppur District.
4. The District Collector,
Tiruppur District.
5. The Block Development Officer,
Special Officer, Kannivadi Panchayat Union,
Kannivadi Village, Dharapuram Taluk,
Tiruppur District.
6. The General Manager,
K.S.Infrastructure,
Balakumar Nagar,
Nanchaithalaiyur Post,
Dharapuram Taluk,
Tiruppur District.

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Respondents

PRAYER:-Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1 to 5 respondents forbearing the 6th respondent from erecting poles to draw 230 KV Low Tension wire over the petitioner patta lands situated at Kadhakkottai Village, Chinnatharapuram Taluk, Tiruppur District for the Survey No.1057 without giving any notice or seeking consent from the petitioner for such usage of petitioner patta lands.

For Petitioner ..	Mr.S.Udayakumar, For M/s.Karan and Uday
For R1 to R3 ..	Mr.Abdul Saleem, Standing Counsel
For R4 and R5 ..	Mr.N.Inbanathan, Additional Government Pleader
For R6 ..	M/s.Kanimozhimathi

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 5 respondents forbearing the 6th respondent from erecting poles to draw 230 KV Low Tension wire cover the petitioner patta lands situated at Kadhakkottai Village, Chinnatharapuram Taluk, Tiruppur District for the Survey No.1057 without giving any notice or seeking consent from the petitioner for such usage of 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 situated at Kadhakottai Village, Chinnatharapuram Taluk, Tiruppur District, bearing S.No.1057. It is alleged by the petitioner that the sixth respondent herein without his consent has tried to erect electrical pole to draw 230 KV Low Tension wire over the petitioner patta lands. Hence, he has filed the present Writ Petition seeking Writ of Mandamus forbearing the sixth respondent from erecting pole in his land.

4. On notice, the respondents 1 to 3 represented TANGEDCO informed this Court that the activity of erecting tower is not done by them or on their behalf. The District Collector, Tiruppur has also filed a status report that the sixth respondent/private operator is carried on tower erection to draw electricity from his private generator.

5. In an identical case filed by the other land owners, the sixth respondent has entered appearance and filed counter.

6. From the counter of the 6th respondent and from the reply affidavit of the District Collector, this Court found that the District Collector has not accorded any right of entry to the sixth respondent and the sixth respondent has not obtained consent from the land owner.

7. In such circumstances, the sixth respondent is a contractor under the licensee and carrying on the erection work without right of entry issued by the Collector or getting consent from the land owner. The sixth respondent cannot forcibly enter into the land of the petitioner and erect tower. Therefore, the prayer sought in the Writ Petition is allowed and the sixth respondent is restrained from entering into the patta land of the petitioner for erecting towers.

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

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

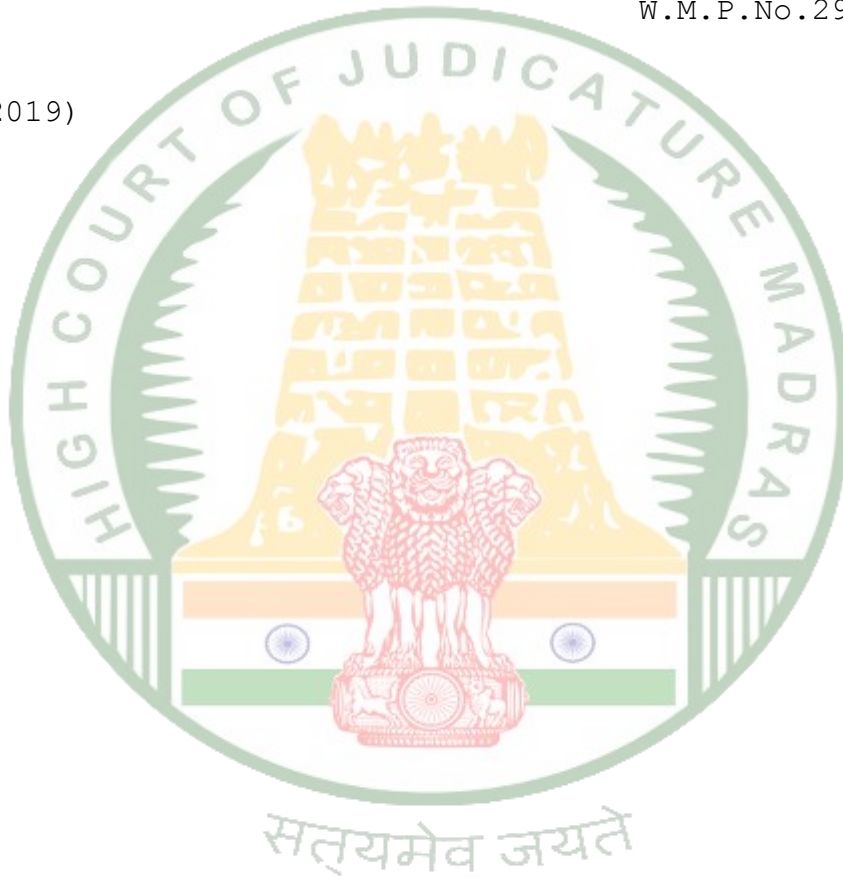
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Special Officer, Kannivadi Panchayat Union,
Kannivadi Village, Dharapuram Taluk, Tiruppur District.

+1cc to M/s.Karan & Uday, Advocate SR.91922
+1cc to M/s.Kanimozhi mathi, Advocate SR.91958
+1cc to Mr.Abdul Saleem, Advocate SR.92110
+1cc to the Government Pleader SR.91968

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PM(CO)
CB(11/12/2019)



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