

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :30.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.30209 of 2019
and
W.M.P.No.30179 of 2019

G.Kumar

.. Petitioner

/versus/

1.The District Collector,
Dharmapuri District, Dharmapuri-5.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri-5.

3.The Executive Engineer,
Tamil Nadu Electricity Board,
Dharmapuri-5.

4.The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Adhiyamankottai Circle,
Dharmapuri-5.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents herein from in any way interfering with petitioner family's peaceful possession, occupation and enjoyment of his patta land bearing Patta No.654 in S.No.144/3 of an extent of 0.07.0 acres (about 8000 sq.fts) situated in Ungaranahalli Revenue Village, Dharmapuri Taluk and District, without following the due process of law.

For Petitioner :Mr.D.Baskar

For Respondents:Mr.N.Inbanathan, AGP for R1
Mr.Abdul Saleem,
standing counsel for R2 to R4

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus forbearing the respondents herein from in any way interfering with petitioner family's peaceful possession, occupation and enjoyment of his patta land bearing Patta No.654

in S.No.144/3 of an extent of 0.07.0 acres (about 8000 sq.fts) situated in Ungaranahalli Revenue Village, Dharmapuri Taluk and District, without following the due process of law.

2.Heard learned counsel appearing for the petitioner and learned Additional Government Pleader appearing for the 1st respondent and learned Standing Counsel appearing for respondents 2 to 4.

3.The grievance of the petitioner is that the proposed high tension tower is likely to pass through his residential plot situated at S.No.144/3, Ungranahalli Revenue Village, Dharmapuri Taluk.

4. According to the petitioner, the respondents have not followed the procedures before getting their proposal of erecting the High Power Electricity Tower line crossing his land and more particularly it is stated in the affidavit that the provisions of the Land Acquisition Act, 1894 has not been followed.

5. The learned standing counsel appearing for respondents 2 to 4 would submit that they are not acquiring the land of the petitioner for their project and they have only entered upon his land on permission whenever required. As of now, no erection activity in the land of the petitioner is done. Further, it is submitted that the representation of the petitioner herein will be forwarded to the District Collector, who is the competent authority to decide any objection arising under the Indian Telegraphic Act, 1885 regarding entering upon permission.

6. Recording the undertaken given by the learned standing counsel appearing for respondents 2 to 4, the writ petition is disposed of with a direction that any representation given by the petitioner duly forwarded to the first respondent by respondents 2 to 4 shall be considered by the first respondent herein and dispose of the same, after giving opportunity to the petitioner as well as respondents 2 to 4, within a period of six weeks from the date of receipt of the objection/request for enter upon permission. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To:

1.The District Collector,
Dharmapuri District, Dharmapuri-5.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri-5.

3.The Executive Engineer,
Tamil Nadu Electricity Board,
Dharmapuri-5.

4.The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Adhiyamankottai Circle,
Dharmapuri-5.

+1cc to Mr.Abdul Saleem, Advocate SR.No.90117

+2cc to Mr.R.Thamaraiselvan, Advocate SR.No.90086

+1cc to Government Pleader SR.No.90713

W.P.No.30209 of 2019

SS(CO)
GMY(27/11/2019)



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