

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.30529 of 2019
and
W.M.P.No.30566 of 2019

C.Jothibai

...Petitioner

Versus

1. The Chairperson,
The Central Electricity Authority,
Sewa Bhavan, R.K.Puram,
Section-1, New Delhi - 110 066.
2. The District Collector,
Dharmapuri District,
Dharmapuri.
3. The Manager,
Power Grid Corporation of India Ltd,
Somanahalli,
Dharmapuri District.
4. The Managing Director,
Power Grid Corporation of India Limited,
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi - 110 016.

...Respondents

PRAYER:-Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, restraining the respondents 2 and 3 from erecting any HT tower line in the petitioner's Plot Nos.4 and 5 situated at Unguranahalli Revenue Village comprised in S.No.145/2, within Dharmapuri Taluk and District measuring to an extent of 0.11.0 Hectares/3053 sq.ft.

For Petitioner .. M/s.R.Saritha

For R2 .. Mr.N.Inbanathan,
Additional Government Pleader

For R3 & R4 .. Mr.Kalyanaraman,
For Aiyan & Dozia

O R D E R

The petitioner herein has filed this Writ Petition seeking for issuance of a Writ of Mandamus, restraining the respondents 2 and 3 from erecting any HT tower line in the petitioner's Plot Nos.4 and 5 situated at Unguranahalli Revenue Village comprised in S.No.145/2, within Dharmapuri Taluk and District measuring to an extent of 0.11.0 Hectares/3053 sq.ft.

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 0.11.0 Hectares/3053 sq.ft in S.No.145/2 in Dharmapuri Taluk and District. Aggrieved by the activity of the third and fourth respondents intending to erect high tension power line in petitioner's property without proper notice.

4. In this case, the learned counsel for the petitioner would submit that without notice, the representatives of respondents 3 and 4 have entered upon into the petitioner's land and attemptig to erect high tension tower line.

5. The grievance of the petitioner is that the land was purchased out of hard earned money. Without paying the compensation, the respondents 3 and 4 are trying to encroach upon her land. Hence, seeking Writ of Mandamus to restrain the respondents from erecting high tension tower in her land.

6. Under Section 10 of the Indian Telegraph Act, the licensee has right to inspect and survey land for erecting towers and if there is any objection by the land owners, the same can be sorted out through referring the matter to the District Collector under Section 16 of the Indian Telegraph Act, 1885.

7. In this case, this Court finds no material indicating that the petitioner has objected for the activity of the third respondent. In any event, having filed the Writ Petition and the District Collector being a party in the Writ Petition, a direction is given to the second respondent herein to consider the objection of the petitioner under Section 16 of the Indian Telegraph Act and pass orders in accordance with law.

8. The respondents 3 and 4 are directed not to enter upon the land of the petitioner without getting permission from the Collector under Section 16 of the Indian Telegraph Act. If the second respondent is of the opinion that erecting tower in the land of the petitioner is inevitable than the petitioner shall be adequately compensated in accordance with law and same to be

paid soon after, the erection work is completed. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected W.M.P is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Chairperson,
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Power Grid Corporation of India Limited,
B-9, Qutab Institutional Area, Katwaria Sarai,
New Delhi - 110 016.
- +1 CC to The Govt. Pleader sr 93033.
+1 CC to Mr.J. Bharathi Raja, Advocate sr 93154
+1 CC to M/s. Aiyar and Dolia, Advocate sr 92440.

सत्यमेव जयते

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SSD(CO)
SP(02/12/2019)