

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.11.2019

PRONOUNCED ON : 26.11.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.31308 of 2019 and
W.M.P.Nos.31466 to 31468 of 2019

1.D.Sundaram
2.Indrani

..Petitioners

Vs

1.The Chief Engineer/ Transmission,
Tamil nadu Transmission Corporation Limited,
Chennai - 2.

2.The Superintending Engineer/General,
General Construction Circle,
Tamil Nadu Transmission Corporation Limited,
Salem - 14.

3.The Assistant Executive Engineer/GEneral,
General Construction Circle,
Tamil Nadu Transmission Corporation Limited,
Salem - 14.

4.The District Elective Magistrate / District Collector,
Tiruppur District,
Tiruppur.

5.The Tahsildar,
Kangayam Taluk,
Kangayam,
Tiruppur District.

...Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India for a writ of Certiorari calling for the entire records relating to the impugned order passed by the 4th respondent in his proceedings Na.Ka.No.12249/2016/C1 dated 30.10.2019 and quash the same.

For Petitioners
For Respondents 1 to 3

:Mr.C.Prakasam
:Mr.Abdul Saleem,
Standing Counsel

For Respondents 4 & 5 :Mr.K.Ravikumar

ORDER

The petitioners herein aggrieved by the route of high tension tower lines passing through their land are before this Court, challenging the decision of the respondents to change the route to benefit powerful persons. According to the petitioners, the original approved route for erecting towers did not pass through their land but later, the respondents changed the route and they deviated the route affecting their land, for the sake of political high hands.

2. When the petitioners objected for this and filed writ petition in W.P.No.19309 of 2019, this Court directed the fourth respondent District Collector to conduct enquiry, and pass appropriate orders. Accordingly, the fourth respondent conducted enquiry on 11.10.2019, in which, the petitioners participated. The respondents 1 to 3 were also present and produced the route map for erecting tower lines in the village extending previous route and change over route. The fourth respondent accepting the version of the respondents 1 to 3 has granted enter upon permission into the land of the petitioners thereby rejecting the contention of the petitioners. Hence, the present writ petition to issue certiorari calling for the records pertaining to the order passed by the fourth respondent on 30.10.2019.

3. The order impugned in the writ petition indicates that the Tamil Nadu Transmission Corporation Limited (TRANSCO) pursuant to the project of erecting 400 KV transmission lines had sought enter upon permission from the fourth respondent in view of the objection by the land owners. In the said enquiry, the fourth respondent has heard both the parties and taking note of the ground clearance and vertical/horizontal clearance has approved the route suggested by the respondents 1 to 3 and the objection of the land owners/petitioners has been rejected.

4. In the counter filed on behalf of the respondents 1, 2 & 3, it is stated that the TANTRANSCO being the licensee is conferred with all powers of a Telegraph Authority under Section 164 of the Electricity Act, 2003. It has commenced project of erecting 400 KV DC high tension electric lines from Rasipalayam 400 KV SS to Palavadi 400 KV SS at the estimated cost of Rs.61,524.45/- lakhs. When the petitioners objected for entering upon their land, TANTRANSCO filed application before the District Collector under Section 16 of the Indian Telegraph Act seeking right of way. Accordingly, enquiry was conducted. After hearing the land owners/petitioners and the TANTRANSCO, the fourth respondent being convinced with the approved route

map Google images of the petitioners land along with GPS, the fourth respondent passed the order dated 30.10.2019 permitting the respondents to enter upon the petitioners land.

5.The deviation shown by the petitioners are not for saving any political persons but it was due to the existing 230 KV transmission line passing across the field. Since, the angle of the existing land overline should be between 60° to 90° degree, based on the technical advice, the route is not running on the straight line. Except this, there is no other reason for the deviations in the tower line.

6.To impress upon the said submissions, location map also furnished by the respondents. The reasons for finalising the route as shown in the map also explained. It is submitted by the learned Standing Counsel appearing for the respondents 1 to 3 that while selecting the route, the respondents have followed the objective of shortest route and least detriment to the land owners.

7.On perusal of the representation of the petitioner and the counter, in the light of the map furnished by the respondents, this Court finds that only after exploring the feasible route which would cause less damage to the land owners, the respondents 1 to 3 have decided the said route which passes through the land of the petitioners. The District Collector (fourth respondent) has also considered the materials and taking into consideration of the interest of the larger public, he has given the right of enter into the petitioners land. The allegation of mala fide made by the petitioners herein is not made out. Hence, this Court declines the request of the petitioners herein.

8.In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते
-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

jbm

To

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Kangayam Taluk,
Kangayam,
Tiruppur District.

+1 CC to Mr.C.Prakasam, Advocate sr 99072.

+1 CC to The Govt. Pleader sr 98958

+1 CC to Mr. Abdul Saleem, Advocate sr 98381.

W.P.No.31308 of 2019

KJ(CO)
SP(09/01/2020)

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