

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.NO.31421 OF 2019

R.Kaveriammal

.. Petitioner

/versus/

1. The Superintending Engineer,
Palladam Electricity Distribution Circle,
Palladam,
Tiruppur District.

2. The Executive Engineer,
Dharapuram Distribution,
Dharapuram.

3. The Assistant Engineer,
Dharapuram Electricity Distribution,
Kiramiyam,
Dharapuram.

.. Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents to remove high voltage line passing through house site No.69, situated at Old Survey No.498, new Survey No.526, Kavi Nagar one, Dharapuram, Tiruppur District.

For Petitioner : Mr.K.Sudhakar

For Respondents : Mr.S.K.Rameshwar,
St.c for R1 to R3

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O R D E R

By consent, the main writ petition is taken up for disposal at the admission stage itself.

2. The petitioner seeks compensation as well as removal of high tension towers passing through his land.

3. The petitioner has purchased the property in the year 1997, much after the respondent erected the high tension tower in the land, hence the question of paying compensation to the petitioner does not arise. Now the petitioner under the guise of claiming compensation has made a request for re-aligning the tower. His application dated 22.08.2019 has been considered by the Assistant Electrical Engineer, Dharapuram and has intimated to the petitioner vide letter dated 31.08.2019 that he should make proper application and be ready to deposit the requisite charges for the expenses likely to be incurred for re-alignment.

4. The petitioner pursuant to that communication has given a detailed representation, wherein, relying upon Section 17 of the Indian Telegraph Act and Section 10 of the Indian Telegraph Act once again re-agitate the point that no compensation has been given for erecting tower either to the petitioner or to the predecessor in title and therefore he is entitled for compensation and the alignment has to be shifted.

5. The 3rd respondent pursuant to the said representation dated 06.09.2019 has again informed the petitioner that if proper application is made, assessment will be made for shifting and the line will be re-aligned.

6. Then again, the petitioner on receiving the said communication dated 10.10.2019 from the 3rd respondent has filed this writ petition seeking Mandamus to direct the respondent to remove the high voltage line passing through his house in old Survey No.498, New Survey No.526, Kavi Nagar, Dharapuram.

7. On the face of the documents and communication between the petitioner and the 3rd respondent, it is clear that high tension tower line being passing through the house site of the petitioner even before he purchased the property on 20.09.1997. Hence the question of seeking any compensation or permission from him under Section 10 or 16 does not arise. The only option available for the petitioner herein is to resort under the Indian Telegraphic Act seeking realignment. For the said purpose, when he gave a representation on 06.09.2019, due response has been sent to the petitioner by the 3rd respondent.

8. In such circumstances, question of issuing Mandamus does not arise. If the petitioner is ready to bear the expenses for shifting of the alignment, the 3rd respondent has expressed their readiness to shift the tower line. Hence it is open to the petitioner herein to ascertain from the 3rd respondent the cost of shifting and pay the same and get the tower shifted.

9. With the above observation, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpl

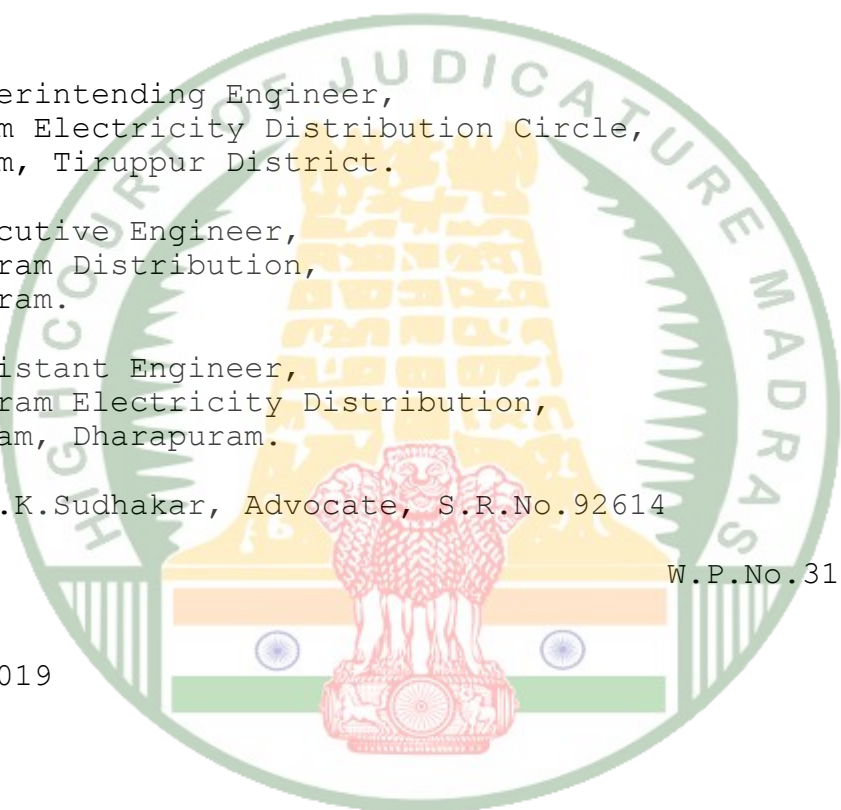
To

1. The Superintending Engineer,
Palladam Electricity Distribution Circle,
Palladam, Tiruppur District.
2. The Executive Engineer,
Dharapuram Distribution,
Dharapuram.
3. The Assistant Engineer,
Dharapuram Electricity Distribution,
Kiramiyam, Dharapuram.

+1cc to Mr.K.Sudhakar, Advocate, S.R.No.92614

W.P.No.31421 of 2019

LN(CO)
CS/12/12/2019

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red elephant. The entire emblem is set against a background of horizontal stripes (orange, white, green) with blue wheels. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circle around the emblem. Below the emblem is the motto "सत्यमेव जयते" in Devanagari script.

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