



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 14.11.2019	Pronounced on: 19.11.2019
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Coram::

The Honourable Dr.Justice G.Jayachandran

Writ Petition No.32051 of 2019
& W.M.P.Nos.32304 & 32305 of 2019

A.Subbaraya Gounder,
S/o.Athappa Gounder,
Rayarvalasu, (Pappankadu),
Sivanmalai Village,
Arasampalayam Village,
Kangayam Taluk,
Tiruppur - 641 604.

.... Petitioner

/versus/

1. The Collector,
Tiruppur District,
Tiruppur.
2. The Superintending Engineer,
General Construction Circle,
TANTRANSCO,
Tatabath,
Coimbatore - 12.
3. The Executive Engineer,
General Construction Circle,
TANTRANSCO,
Perundurai,
Erode District.

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorari, calling for the records relating to the order passed by the 1st respondent in Na.Ka.No.12249/2016/C1, dated 30.10.2019 and quash the same.

For Petitioner : Mr.S.Doraisamy

For R1 : Mr.N.Inbanathan,
Additional Government Pleader

For R2& R3 : Mr.Abdul Saleem, Standing Counsel

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

2. The Petitioner is the owner of the Agricultural land in S.No.469, Sivanmalai Village, Arasampalayam Post, Kangayam Taluk, Tiruppur District. The petitioner states that, in his land the 2nd and 3rd respondents attempt to put High Tension Tower Line as part of the 400 KV DC Line with Quad Moose ACSR from Rasipalayam 400 KV SS to Dharmapuri (Palavadi) 400 KV SS. In the Memo No.CE/TR/SE/TR-I, EM/A1/L.4-420/D.344/15, of the TANGEDCO published on 28.02.2015, 24 Villages were mentioned through which the Tower line were proposed to be erected. In the said memo, there is no specific survey numbers were mentioned in the notification. Thereafter, the proposed route has been deviated and few villages were spared. Due to the deviation, the petitioner land is now sought for erecting towers. His objection to the District Collector not been properly considered. Hence, the present Writ Petition is filed to quash the order of the 1st respondent/District Collector granting enter upon permission to the 2nd and 3rd respondents.

3. Section 16 of the Indian Telegraph Act, 1885, empowers the District Collector to issue order to enter upon any land by the licensee after hearing the party objecting. The order in Na.Ka.No.12249/2016/C1, of the District Collector, dated 30.10.2019 which is impugned in this Writ Petition contains the facts and reasoning for granting enter upon permission. The request of the land owner to lay underground cable was negatived assigning reasons. The land owners/objectors were informed about the importance of the project and requested to help for completing the project in time.

4. Therefore, the petitioner plea that the District Collector failed to apply his mind is found to be incorrect on reading the impugned order. Hence, the Writ Petition is dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

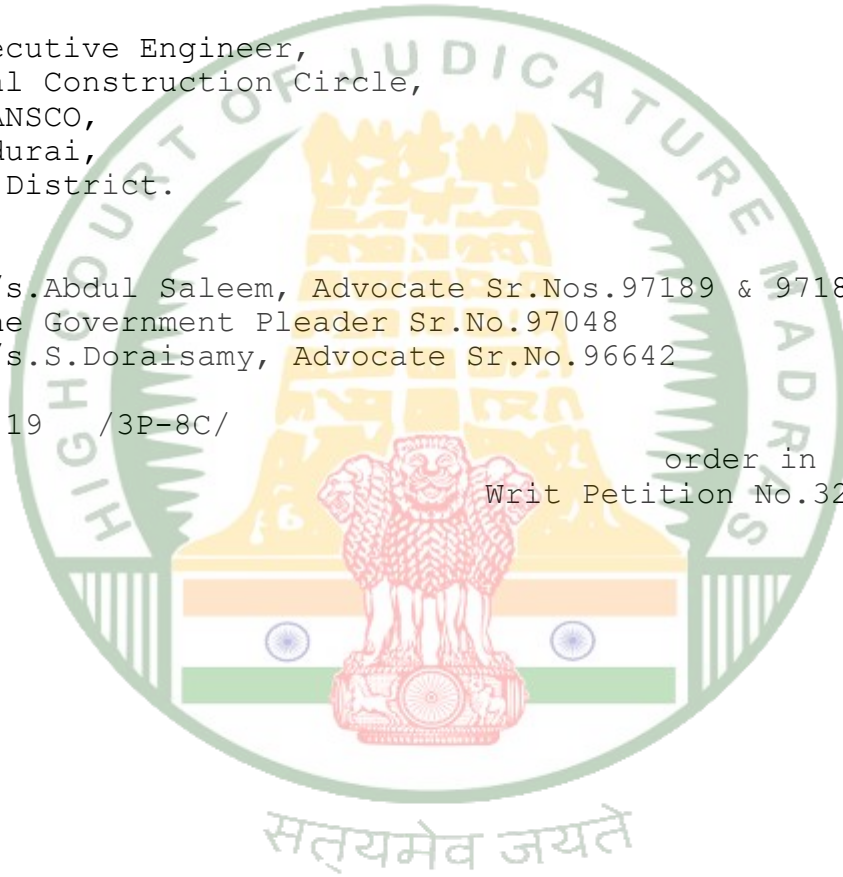
To,

1. The Collector,
Tiruppur District,
Tiruppur.
2. The Superintending Engineer,
General Construction Circle,
TANTRANSCO,
Tatabath,
Coimbatore - 12.
3. The Executive Engineer,
General Construction Circle,
TANTRANSCO,
Perundurai,
Erode District.

+2cc to M/s.Abdul Saleem, Advocate Sr.Nos.97189 & 97186
+1cc to The Government Pleader Sr.No.97048
+1cc to M/s.S.Doraisamy, Advocate Sr.No.96642

AKM/20.12.19 /3P-8C/

order in
Writ Petition No.32051 of 2019



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