

In the High Court of Judicature at Madras

Dated : 03.12.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.33670 of 2019 & WMP.No.34131 of 2019

C.Venkatesan rep.by his
power agent V.Karthikeyan ...Petitioner

Vs

1.The District Collector-cum-
District Magistrate, Coimbatore
District, Coimbatore.

2.The Superintending Engineer,
TANTRANSCO-Operation,
Tatabad, Coimbatore-12.

3.The Executive Engineer-
Operations, TANTRANSCO,
Thudiyalur, Coimbatore.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to forbear from upgrading the existing 110 KVA HT transmission line running between Coimbatore and Arasur running through the area concerned in such a way as to detrimentally affect the building of the petitioner situate at door No.49, GRG Chandragandhi Nagar, Peelamedu, Coimbatore-641028 in any manner whatsoever.

For Petitioner : Mr.V.Lakshmi Narayanan for
Mr.P.K.Rajagopal

For Respondent-1: Mr.T.M.Pappiah, SGP

For Respondents 2 & 3 :Mr.Vijay

ORDER

Mr.T.M.Pappiah, learned Special Government Pleader accepts notice for the first respondent. Mr.Vijay, learned Standing Counsel accepts notice for respondents 2 and 3. I have heard Mr.V.Lakshmi Narayanan, learned counsel appearing on behalf of Mr.P.K.Rajagopal, learned counsel on record for the petitioner. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner seeks a direction to forbear the respondents from interfering with the residential building constructed by the petitioner bearing door No.49, GRG Chandragandhi Nagar, Peelamedu, Coimbatore-641028 for the purpose of upgrading the existing 110 KVA high tension transmission line.

3. The case of the petitioner is that he put up a residential building after obtaining approval from all the authorities and all of a sudden, the respondent Board issued a notice to the petitioner that he has to remove the very construction within 15 days, failing which, action would be initiated to demolish the building, so that sufficient distance is maintained between the building and the proposed high tension transmission line.

4. The petitioner immediately gave his objections by way of a representation dated 19.9.2019 stating that without following any procedure, threatening to demolish his property is not sustainable. Furthermore, the other factors, which will affect the petitioner were also pointed out in the said representation. After receipt of the said representation, the second respondent, by communication dated 02.11.2019, informed the petitioner stating that the objections made him in his representation dated 19.9.2019 were not feasible of compliance. The petitioner was further informed that the main building had to be constructed 3 to 5 meters away from the edge of the road and that this was also communicated to the petitioner vide communication dated 17.10.2019. With these averments, the petitioner was requested to make suitable arrangements to provide adequate clearance between the road and the petitioner's building otherwise execution of the 110 KVA EHT line works would be initiated as per the Tamil Nadu Transmission Corporation Limited (TANTRANSCO) Norms without further intimation to the petitioner. The petitioner is aggrieved by this communication and is, therefore, before this Court.

5. The law on the subject is well settled to the effect that while drawing a line or laying of a pole for low tension or high tension connection, if the land owner does not give consent, then the procedure under the Indian Telegraph Act has to be adopted by the respondent Board by approaching the District Collector/District Magistrate seeking permission to draw the high tension line. Hence, without resorting to such a procedure, the respondent Board is not justified in threatening demolition of the petitioner's building.

6. Accordingly, the writ petition is disposed of by directing the respondent Board to approach the District Collector, Coimbatore for necessary permission under the Indian Telegraph Act and if such an application is made, the first respondent shall consider the same after notice to the

petitioner and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Till such time, the petitioner's possession shall not be interfered with. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

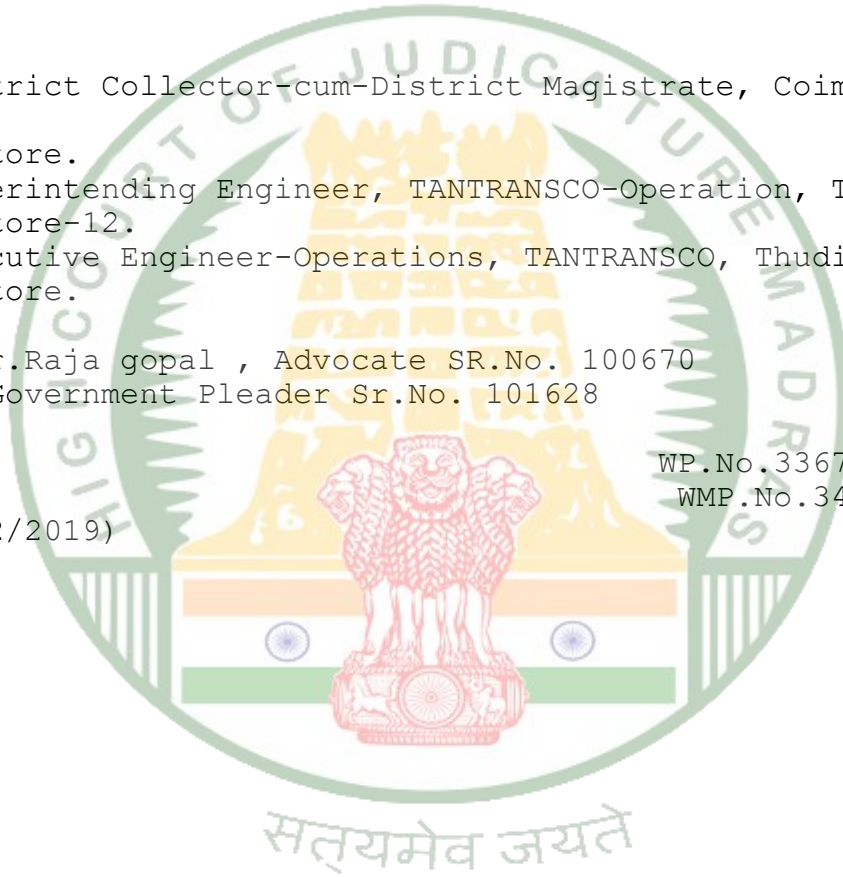
- 1.The District Collector-cum-District Magistrate, Coimbatore District,
Coimbatore.
- 2.The Superintending Engineer, TANTRANSCO-Operation, Tatabad,
Coimbatore-12.
- 3.The Executive Engineer-Operations, TANTRANSCO, Thudiyalur,
Coimbatore.

+1cc to Mr.Raja gopal , Advocate SR.No. 100670

+1 cc to Government Pleader Sr.No. 101628

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A.SK(27/12/2019)



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