

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.25451 of 2018
and W.M.P.Nos.29608 & 30920 of 2018

Royal Splendour Developers Private Limited,
(Under Corporate Insolvency Resolution Process)
Represented by Resolution Professional
Ms.Kavitha Surana

... Petitioner

Versus

1. Tamilnadu Transmission Corporation Limited (TANTRANSCO),
Represented by its Chairman,
Npkrr Maaligai,
Electricity Avenue,
144, Anna Salai,
Chennai-600 002.
2. The Superintending Engineer,
Tamilnadu Transmission Corporation Limited (TANTRANSCO),
General Construction Circle-II,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai 600 032.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus directing the respondents to re-route the High Tension Line (440 KVA) without touching upon or running over the property being lands admeasuring 1 acre abutting Semmanchery-Nookampalayam Link Road, Semmanchery, Chennai-600 119, comprised in Survey No.408/1A1A, 1A1B of Semmanchery Village within the limits of greater Chennai Corporation and consequently remove the foundation laid by the respondents near the said property to route the high tension line.

For Petitioner : Mr.A.R.Karunakaran

For Respondents : Mr.Abdul Saleem
Standing counsel

O R D E R

The writ petitioner herein is aggrieved by the proposed High Tension Electric line to be installed cutting across his building. Hence, he has sought for mandamus directing the respondents to re-locate the High Tension (440 KVA) without touching over his property.

2.The learned standing counsel for the TANTRANSCO, who is the respondents herein submitted that under Section 10 of Telegram Act 1885, the respondent is empowered to erect electrical transmission line for the welfare of the public. After due consideration, the transmission lines are drawn by the authorities and if at all any objection is to be raised, the aggrieved parties can approach the District Collector under Section 16 of the Indian Telegraphic Act and place his objections which will be duly considered. The learned counsel for the respondents also circulated the order passed by this Court in similar circumstances.

3.In the light of the above submissions, the writ petition is disposed of on the following terms:-

(i) The writ petitioner is directed to place his objections within a period of two weeks from the date of receipt of copy of this order before the District Collector who is the authority competent to exercise the power to decide the dispute under Section 16 of the Indian Telegraphic Act.

(ii) On receipt of such objections, the District Collector shall give an opportunity of hearing to both sides and pass appropriate orders in accordance with law within a period of four weeks.

(iii) The respondents are directed to maintain Status Quo till the order passed by the District Collector.

There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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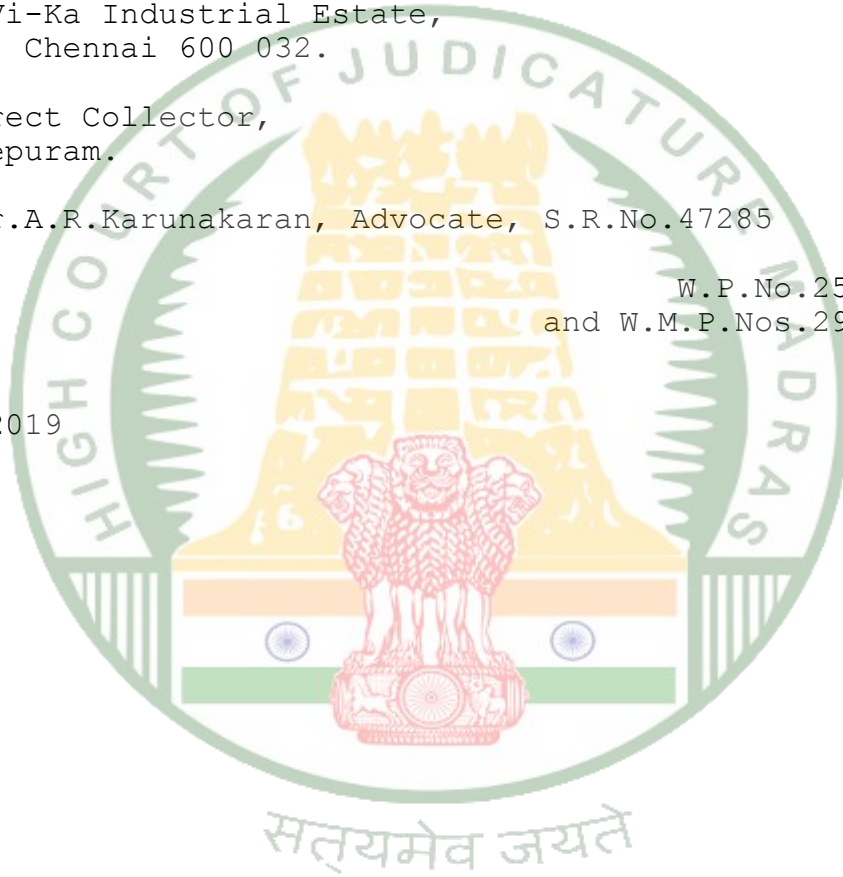
To

1. Tamilnadu Transmission Corporation Limited (TANTRANSCO),
Represented by its Chairman,
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Electricity Avenue,
144, Anna Salai,
Chennai-600 002.
2. The Superintending Engineer,
Tamilnadu Transmission Corporation Limited (TANTRANSCO),
General Construction Circle-II,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai 600 032.
3. The Direct Collector,
Kancheepuram.

+2cc to Mr.A.R.Karunakaran, Advocate, S.R.No.47285

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PA (CO)
CS/14/06/2019



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