



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) Nos.12673, 12984 and 15106 of 2018
and

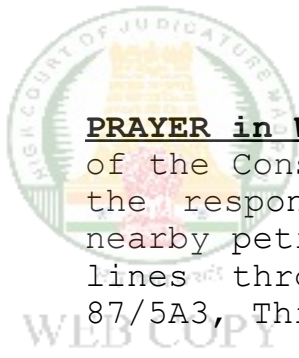
W.M.P. (MD) Nos.11552, 11871 and 13680 of 2018

S.Ramesh Selvakumar ... Petitioner in W.P.(MD)No.12673 of 2018
T.Vijayakumar ... Petitioner in W.P.(MD)No.12984 of 2018
M.Senthil Murugan ... Petitioner in W.P.(MD)No.15106 of 2018

Vs

1. The District Collector,
Madurai District,
Madurai.
2. The Director,
Transmission Projects,
144, Annasalai TANTRANSCO,
Chennai.
3. The Chief Engineer,
Transmission Line Circle,
General Construction Circle (GCC),
TANTRANSCO,
Trichy.
4. The Superintending Engineer,
Transmission Line Circle,
Office of Superintending Engineer,
TANTRANSCO, K.Pudur,
Madurai 625 007.
- 5.The Executive Engineer,
Transmission Lines Circle,
Office of Superintending Engineer,
TANTRANSCO,
Virudhunagar.
- 6.The Assistant Executive Engineer - II,
Transmission Line Circle,
TANTRANSCO, K. Pudur,
Madurai - 625 007.

... Respondents in all W.Ps



PRAYER in W.P. (MD) No.12673 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from installing any High Tension Electric Tower nearby petitioner's vacant land or drawing High Tension transmission lines through the petitioner's land comprised in S.No.87/3A2, 87/5A3, Thiruparankundram Village and Taluk, Madurai District.

PRAYER in W.P. (MD) No.12984 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from installing any High Tension Electric Tower and drawing High tension transmission lines over and nearby petitioner's residential houses bearing D.No.1/40, Velar Street, Vilachery, Maduari Corporation and D.No.3/74A, Vilacheri, Madurai District both are comprised in S.No.87/5 and 344/13, Thiruparankundram Registration District and Taluk, respectively.

PRAYER in W.P. (MD) No.15106 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from installing any High Tension Electric Tower and drawing High tension transmission lines over and nearby petitioner's residential house bearing D.No.1/3, Plot No.15, Joseph Nagar, Thirunagar, Madurai, which comprised in S.No. Thiruparankundram Registration District and Taluk.

For Petitioner : Mr.Anand Chandrasekar
(in all W.Ps.) for Mr.S.Balamurugan

For Respondents : Mrs.Srimathy
(in all W.Ps.) Special Government Pleader for R2 to R5

COMMON ORDER

Heard the learned counsel on either side.

2.The issues raised in these writ petitions are one and the same. The petitioners' are aggrieved by the proposed drawal of 110KV High Voltage Electric Lines over their lands.

3.The learned Special Government Pleader appearing for the TANTRANSCO Telegraph would contend that no new lines are being drawn and what is being done only strengthening and re-enforcement and conversion of the existing lines.

4.The fact remains that there is resistance at the instance of the writ petitioners herein. Therefore, the TANTRANSCO has already filed an application under Section 16(1) of the Indian Telegraph Act, 1885. Such an application was filed as early on 06.06.2018. It is stated that the District Collector is yet to take a call in the matter on account of the pendency of these writ petitions.

5.This Court makes it clear that unless the District Collector passes an appropriate order in accordance with law, the respondents



cannot be permitted to draw the lines in question over the petitioners' lands. The District Collector of course will have to hear the petitioners before passing any order in the matter. These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
Madurai District, Madurai.
2. The Director,
Transmission Projects,
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6. The Assistant Executive Engineer - II,
Transmission Line Circle,
TANTRANSCO, K.Pudur, Madurai - 625 007.

+3 CC to Mr.S.BALAMURUGAN, Advocate (SR-55502 to 55504[F] dated 20/03/2019)

ias

SP/05.04.2019/3P/10C

W.P. (MD) Nos.12673, 12984 and 15106 of 2018
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