

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4265 of 2020

and

W.M.P. Nos. 5045 and 5048 of 2020

M.K. Muthumanickam

... Petitioner

Vs.

1.The District Collector,
Coimbatore District, Coimbatore.

2.The General Manager,
Power Grid Corporation of India Ltd,
Palladam TLC Office,
No. 28 B2, First Floor,
P. Vadugapalayam Road,
Palladam - 641 664,
Tiruppur District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorari, calling for the entire records relating to the impugned order passed by the First Respondent in his proceedings Na. Ka. 23718/2019/E2, dated 06.02.2020 and quash the same.

For Petitioner :Mr. C. Prakasam

For Respondents :Mr. G.K. Muthukumar
Special Government Pleader
(for R1)

Mrs. Rita Chandrasekar for
M/s.Aiyar & Dolia (for R2)

O R D E R

Heard Mr. C. Prakasam, Learned Counsel for the Petitioner, Mr. G.K. Muthukumar, Learned Special Government Pleader for the First Respondent and Mrs. Rita Chandrasekar for M/s. Aiyar & Dolia for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. In view of the narrow compass of the dispute, the Writ Petition is taken up for final disposal by consent of parties at the stage of admission itself.

3. According to the Learned Counsel for the Petitioner, though notice had been issued to the Petitioner to appear for enquiry on 08.01.2020 in the proceedings under Section 16 of the Telegraph Act, 1885, before the First Respondent the same had been returned as unserved by the postal authorities. As a Petitioner had not attended the said enquiry, his objections had not been considered and permission was granted to the Second Respondent for erecting the towers in the land belonging to the Petitioner by the order Na. Ka. 23718/2019/E2 dated 06.02.2020 passed by the First Respondent. Aggrieved thereby, the Petitioner has filed this Writ Petition challenging the same.

4. Having due regard to the contentions raised by the Petitioner, it is also evident that the First Respondent has not considered the objections raised by the Petitioner in the impugned order which vitiates the same. Accordingly, the impugned order is set aside and the matter is remitted to the First Respondent for deciding the matter afresh.

5. In order to expedite the proceedings, Learned Counsel appearing for the Petitioner as well as the Respondents, on instructions from the respective parties, agree for conducting the enquiry at 4.00 p.m on 02.03.2020 before the First Respondent to provide opportunity of personal hearing to the Petitioner and the Second Respondent, without awaiting issuance of any formal notice in that regard and they have also made endorsement to that effect, which is recorded.

6. The First Respondent, after affording full opportunity of hearing to the Petitioner and the Second Respondent, shall consider each of the contentions raised, and shall pass reasoned orders on merits in accordance with law, uninfluenced and uninhibited by the impugned order, which has been set aside, and shall communicate the decision taken to the Petitioner and the Second Respondent under written acknowledgement by 30.04.2020.

7. The Writ Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No Costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dm

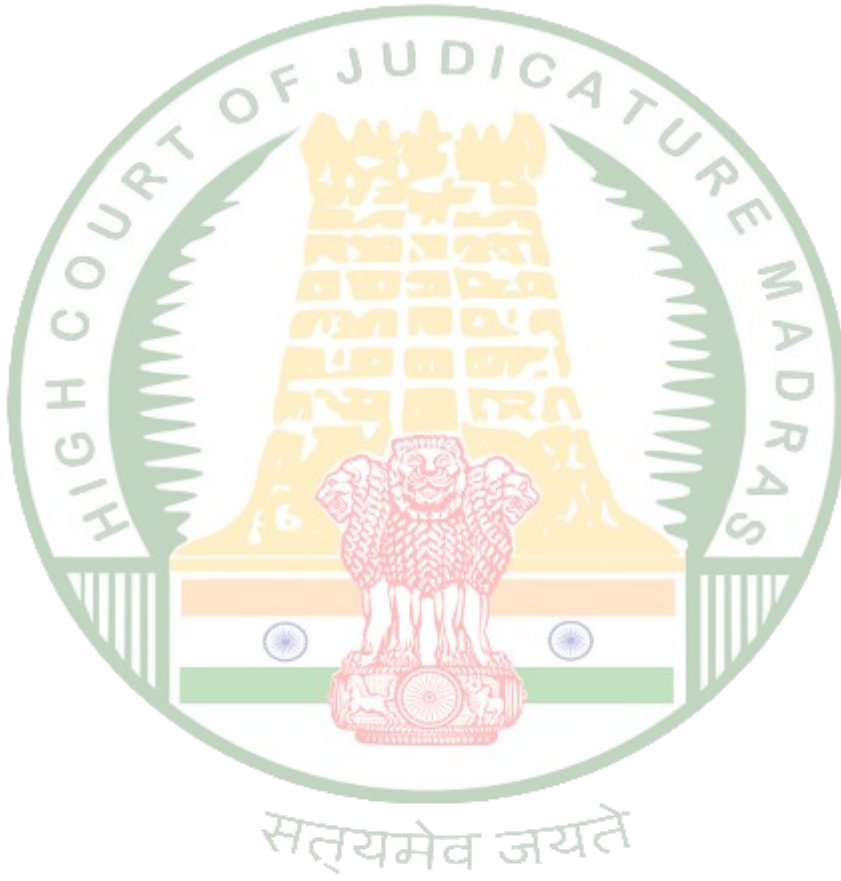
To

1.The District Collector,
Coimbatore District, Coimbatore.

W.P. No. 4265 of 2020
and

W.M.P. Nos. 5045 and 5048 of 2020

VG-I (CO)
CB(09/03/2020)



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