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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.5547 of 2020
and WMP No.6495, 6496 of 2020

K.Kumarasamy

...Petitioner

-Vs-

1. The Chief Manager, TLC,
Arasur,
Power Grid Corporation of India,
K.V.Arasur Sub-Station, Karumathampatti Post,
Opposite to Senthilandavar Kovil,
Coimbatore.
2. The Assistant General Manager,
Arasur,
Power Grid Corporation of India,
K.V.Arasur Sub-Station, Karumathampatti Post,
Opposite to Senthilandavar Kovil,
Coimbatore.
3. The District Collector,
Tirupur.
4. The Revenue Divisional Officer,
Tirupur.
5. The Tahsildar,
Palladam, Tirupur.
6. The Village Administrative Officer,
Sukkampalayam Village, Palladam,
Tirupur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 5th respondent in his proceedings in Na.Ka.No.2670/2019/A2 dated 22.01.2020 quash the same as illegal and consequently, restraining the respondents from in any manner



entering into the petitioner's punja land for erection of High Tension Towers comprised in Punja S.No.335/2F at Sukkampalayam Village, Pugalur -Arasur, 400 KV TL, Palladam Taluk, Tirupur District by considering my objections dated 01.02.2020.

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For Petitioner : Mr.L.Chandrakumar for
S.Kumaresan
For Respondents : Mr.R.Thiyagarajan Senior
Counsel for Aiyar & Dolia
respondents 1 and 2
Mr.Parameswaran
Government Advocate for
R3 to R6

O R D E R

This writ petition has been filed challenging the notice issued by the 5th respondent on 22.01.2020 and to restrain the respondents from entering into the land belonging to the petitioner for erection of High Tension Towers

2. When this matter came up for admission on 03.03.2020, the following order was passed by this Court :-

"The learned counsel appearing on behalf of the respondent - corporation submitted that the objections were already considered by the Collector and an order has been passed on 18.02.2020. The learned counsel further submitted that a joint inspection is being conducted today along with the owners of the property in order to ensure that free ingress and egress is provided to the property of the objectors.

2. The learned counsel for the petitioner submitted that he has no instructions from his party as to whether he was called for such a joint inspection.

3. In view of the specific stand taken by the respondent, the petitioner shall be called during the joint inspection in order to arrive at an agreement with regard to the space that is going to be provided for the smooth ingress and egress to the property belonging to the petitioner.

Post this case on 06.03.2020 at the end of the motion list".

3. The matter was taken up for hearing on 09.03.2020 and the following order was passed by this Court:-

"Pursuant to the orders passed by this Court on 03.03.2020, it is submitted that an inspection was conducted and that 11 feet space is available for free ingress and egress to the property of the petitioner. A report to that effect has also been filed by the



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Tahsildar, Palladam. A copy of the same is provided by the learned counsel for the petitioner. The learned counsel for the petitioner seeks time to take instructions in this regard. The learned counsel for respondents 1 and 2 have also filed counter affidavit in this case.

Post this case on 11.03.2020 at the end of the motion list.

4. The learned counsel for the petitioner filed additional typed set of papers and submitted that even though 11 feet space is available in the main path, there is a bend where only 7 feet is available and this leads to the house of the petitioner and it will not be possible to take the lorry in the available space of 7 feet in the bend. Therefore, the learned counsel for the petitioner submitted that the respondent can be directed to provide 11 feet space even near the bend so that the petitioner will be able to take his vehicles without any problem.

5. Mr.R.Thiyagarajan, learned Senior counsel appearing for respondents 1 and 2 submitted that the petitioner was very much available at the time of the joint inspection that was conducted by the officials. The learned Senior Counsel in order to substantiate his submissions also brought to the notice of this Court the statement recorded from the petitioner at the time of inspection. The learned senior counsel further relied upon the report of the Tahsildar, Palladam, wherein he had specifically stated that there is a 11 feet space that is available through out in S.F.No.335/2F. The learned Senior Counsel therefore submitted that the petitioner has sufficient space for ingress and egress from his property and there is no requirement to give any accommodation to the petitioner, who is claiming for 4 feet more.

6. The Tahsildar, Palladam, has filed a counter affidavit in the writ petition. The relevant portion in the counter affidavit is extracted hereunder :-

4. I submit that on the basis of the inspection, the Taluk Surveyor submitted a report to me along with a sketch. I state that pursuant to the order dated 03.03.2020 passed by this Hon'ble Court directing me to survey the land in question, by the letter bearing Na.Ka.No.3490/2019/A2 dated 03.03.2020, I issued a notice to the petitioner to be present at the site on 04.03.2020 at 4.00 pm for inspection of the land in question. Accordingly on 04.03.2020, I inspected the land in S.No.335/2F in the presence of the petitioner and the same was measured by the Taluk Surveyor in my presence and in the presence of the writ petitioner.

5. I state that pursuant to the inspection carried



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out by me on 04.03.2020, I sent a letter bearing Na.Ka.No.3490/2019/A2 dated 05.03.2020 to the District Collector, Tirupur District stating that the land was surveyed by me on 04.03.2020 in the presence of the land owner and that the land was once again measured by the Taluk Surveyor in my presence and in the presence of the land owner. It was stated herein upon measuring the land, that there is a space of 11 feet which is sufficient for free ingress and egress for the petitioner to have access to his entire property. In this regard, I submit that in the letter addressed to me by the petitioner, he had stated that there is 10 feet wide passage to have access to the property.

6. I submit that the copy of the letter bearing Na.Ka.No.3490/2019/A2 dated 05.03.2020 is submitted herewith.

7. The learned Government Advocate appearing on behalf of the respondents 3 to 6 submitted that on measuring the land during the joint inspection that was conducted on 04.03.2020, a space of 11 feet was available through out the property and there is sufficient space for free ingress and egress for the petitioner to access his property.

8. In the considered view of this Court, there is a very limited jurisdiction available for this Court to interfere in cases of this nature. This Court wanted to ensure that the petitioner gets free ingress and egress his property and therefore ordered for a joint inspection. After the joint inspection, the concerned authority has given a report and also filed a counter affidavit to the effect that 11 feet space is available through out S.F.No.335/2F. He has also stated that there is sufficient space for ingress and egress to the property of the petitioner. This Court has to necessarily go by this report and the the specific stand that has been taken by the Tahsildar, Palladam and there is no scope for getting into the niti-grities any further. In view of the above, no further orders can be passed in the present writ petition and accordingly, the same is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

rka



To

1. The Chief Manager, TLC,
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Power Grid Corporation of India,
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5. The Tahsildar,
Palladam, Tirupur.
6. The Village Administrative Officer,
Sukkampalayam Village, Palladam,
Tirupur District.

+1cc to Mr.S.Kumaresan, Advocate SR.No.21706

+1cc to M/s.MB.Aiyar & Dolia, Advocate SR.No.21997

+1cc to Government Pleader SR.No.22162

W.P.No.5547 of 2020
and WMP No.6495, 6496 of 2020

VSN II (CO)
GMY (01/07/2020)