

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7735 of 2019
(Heard Through VC)

1. K.Nallathambi
2. V.Murugesan

..Petitioners

Vs.

1. The Divisional Engineer,
Highways, Construction and Maintenance,
Pollachi, Coimbatore District.
2. The Assistant Divisional Engineer,
Highways, Construction and Maintenance,
Kinathukadavu Taluk, Coimbatore District.
3. M/s.Reliance Jio Infocomm Ltd.,
No.89, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004

..Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents, their men, staff or any other persons from entering and laying Optical Fibre Cable in the petitioner's agricultural lands measuring 0.24.00 hectares in S.No.198/1D, 0.03.50 Hectares in S.No.199/1A2B, 0.5.00 Hectares in S.No.199/1B2 in total 0.32.50 Hectares (80.28 cents) in Joint patta No.757 of Andipalayam Village, Kinathukadu Taluk, Coimbatore District.

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For Petitioners : Mr.V.Ravi
For Respondents 1 &2: Mr.V.Shanmugasundar
Spl.Govt.Pleader
For Respondent-3 : Mr.N.R.Anantha Ramakrishnan

ORDER

The petitioners have come up with this writ petition seeking a Writ of Mandamus forbearing the respondents from entering and laying Optical Fibre Cable in the petitioner's agricultural lands measuring 0.24.00 hectares in S.No.198/1D, 0.03.50

Hectares in S.No.199/1A2B, 0.5.00 Hectares in S.No.199/1B2 in total 0.32.50 Hectares (80.28 cents) in Joint patta No.757 of Andipalayam Village, Kinathukadu Taluk, Coimbatore District.

2. Upon notice, the third respondent has filed its counter affidavit, in which, paragraph 6 reads as follows:-

"Without prejudice to the above submissions, the 3rd respondent respectfully submits that it had obtained sanction from respondents 1 and 2 for laying Optical Fibre Cable on the road margin between Andipalayam to Negamam Road. The 3rd respondent had duly acted on the basis of the permission / sanction granted by the respondents 1 and 2 and the Optical Fibre Cable had been properly laid on the road margin and the work has been completed by the 3rd respondent as early as on March 20 in so far as laying of the Optical Fibre Cable in the aforesaid sector had been completed and work finished by the 3rd respondent, which is the bone of contention in this writ petition, nothing survives in the Writ Petition and on this ground also the Writ Petition is liable to be dismissed as infructuous."

3. The learned counsel for the petitioners themselves admitted the above said position.

4. Admittedly, sanction for laying the Optical Fibre Cable was granted by the respondents 1 and 2 in the lands in S.No.201 and as the petitioners lands are in different Survey Number, the petitioners cannot have any grievance over the same.

5. Recording the counter affidavit filed by the third respondent, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Divisional Engineer,
Highways, Construction and Maintenance,
Pollachi, Coimbatore District.

2. The Assistant Divisional Engineer,
Highways, Construction and Maintenance,
Kinathukadavu Taluk, Coimbatore District.
3. M/s.Reliance Jio Infocomm Ltd.,
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W.P.No.7735 of 2019

VM(CO)
RV(23/11/2020)