

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.6894 of 2020

and

W.M.P.Nos.8223 & 8225 of 2020

1.K. Arjunan
2.M. Vinothkumar
3.N. Thilakkumar

...Petitioners

Vs.

1.The Government of Tamilnadu,
Rep.by its Secretary to Government,
Energy Department,
Fort St. George, Chennai - 600 009.
2.The District Collector,
District Collector Office,
Chengalpattu.
3.The Superintendent Engineer,
Office of The Superintendent Engineer,
Tamilnadu Electricity Board,
Chennai - 600 032.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondents to consider the representation dated 06.03.2020 of the petitioner and direct the respondents to stop erecting the High Electric Towers for laying the High Tension Electric Wires through the Plot No.81, 82, 308 approved by CMDA, Ashok Nagar, in Old Survey No.577/1 and 1-A, New Survey No.577/17, at No.9, Nedungundram Village, Chengalpattu Taluk, previously Kancheepuram District, presently Chengalpattu District, and grant such other order or orders as this Court may deem fit.

For Petitioners : Mr. V.V. Kathiresan

For Respondents : Mr. S.N. Parthasarathi, for R1 & R2
Government Advocate

Mr. Abdul Saleem, for R3
Standing Counsel

O R D E R

This writ petition has been filed to forbear the respondents from erecting the electric tower in the property belonging to the petitioners.

2. The case of the petitioners is that they are the owners of the property and they have also obtained orders from the concerned authority for regularization of the plots. The grievance of the petitioners is that the staff belonging to the third respondent entered into the property for the purpose of erecting electricity towers. This was objected by the petitioners and in spite of the same attempts are being made to erect the tower. Therefore, the present writ petition has been filled before this Court seeking for appropriate direction.

3. The learned counsel appearing on behalf of the third respondent submitted that the Revenue Divisional Officer had only made an inspection of the property pursuant to the direction issued by the District Collector. The learned counsel submitted that immediately on the objection made by the petitioners, the inspection was stopped. The learned counsel further submitted that the third respondent will be making an appropriate application before the District Collector and seek for an order before entering into the property. The learned counsel further submitted that on such application being made, the petitioners will also be given notice and only thereafter, a decision will be taken.

4. The learned Government Advocate appearing on behalf of the first and second respondents submitted that as and when the application is received from the third respondent, the same will be dealt with in accordance with law after giving notice to the petitioners. At the time of enquiry, the compensation if any, payable to the petitioners will also be determined.

5. In view of the specific stand taken by the learned counsel appearing on behalf of the respondents, there shall be a direction to the third respondent to submit an appropriate application before the second respondent. The second respondent on receipt of the same, shall issue notice to the petitioners and call for an enquiry. In the meantime, the revenue shall also determine the compensation payable to the petitioners, if, in case the property is going to be utilised for putting up the electricity tower. The second respondent shall conduct an enquiry and pass appropriate orders within a period of four weeks from the date of receipt of application from the third respondent. It is made clear that sufficient opportunity shall be given to the petitioners.

6. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AT

To

- 1.The Secretary to Government,
Government of Tamilnadu,
Energy Department,
Fort St. George, Chennai - 600 009.
- 2.The District Collector,
District Collector Office,
Chengalpattu.
- 3.The Superintendent Engineer,
Office of The Superintendent Engineer,
Tamilnadu Electricity Board,
Chennai - 600 032.

+1cc to M/s.Abdul Saleem, Advocate, S.R.No.24262

+1cc to Mr.V.V.Kathiresan, Advocate, S.R.No.23984

+1cc to the Government Pleader, S.R.No.34303

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RGN(CO)
RN(26/06/2020)