

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.7728 of 2020
and
W.M.P.No.9099 of 2020

S.Sennimalai Gounder
S/o.Sendraya Gounder
Milagaipothai
Kannamoochi Village
Mettur Taluk
Salem District.

.... Petitioner

Vs

1. The Chairman
TANGEDCO
8th Floor, Eastern Wing
NPKRR Maaligai
144, Anna Salai
Chennai-600 002.
2. The District Collector
Salem District
Salem.
3. The Superintending Engineer
Transmission Line Construction & Distribution
Aattur Road, Salem-14.
4. M/s.Kalpataru Power Transmission Limited
698 Perundurai
Sennimalai Road,
Eengur Village
Perundurai Taluk
Erode - 638 052.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying Writ of Mandamus, forbearing the respondents from in any manner carrying on with any work relating to erection of high tension electricity transmission lines over the agricultural lands of the petitioner in Survey No.458, Kannamoochi Village, Mettur Taluk, Salem District except in accordance with law.

For Petitioner	:	Mr.V.Suthakar
For Respondents	:	Mr.R.Govindasamy
		Special Government Pleader
		for R2
		Mr.Abdul Saleem,
		standing counsel for R1 & R3
		Ms.Vandana Raheja, for R4

O R D E R

This matter is taken up for hearing through Video-Conferencing mode.

2. Heard both sides.

3. The petitioner is aggrieved against the action of the respondents 1, 3 & 4 in erecting high tension electricity transmission lines over his agricultural lands in Survey No.458, Kannamoochi Village, Mettur Taluk, Salem District.

4. According to the petitioner, if the power lines are drawn over his land, it would affect his bore well situated therein.

5. On the other other hand, it is contended by the learned standing counsel for the respondents 1 & 3 that already a representation has been made to the District Collector on 26.05.2020 under Section 16 of the Indian Telegraph Act, 1885 and therefore, the District Collector has to consider and pass orders on the said representation.

6. Needless to state that once the matter is referred before the District Collector under Section 16 of the Indian Telegraph Act, it is for the parties to make their submissions to the District Collector, who in turn will consider the same and pass orders on merits and in accordance with law. Therefore, without expressing any view on the merits of the claim made by the parties, this Writ Petition is disposed of only by directing the second respondent to consider the

representation made by the respondents 1 & 3 on 26.05.2020 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioner as well. Such exercise shall be done by the second respondent within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/
Sub Asst. Registrar

mk

To

1. The Chairman
TANGEDCO
8th Floor, Eastern Wing
NPKRR Maaligai
144, Anna Salai
Chennai-600 002.
2. The District Collector
Salem District
Salem.
3. The Superintending Engineer
Transmission Line Construction & Distribution
Aattur Road, Salem-14.

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W.P.No.7728 of 2020

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