

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.8411 of 2020
& W.M.P.No.10113 of 2020

D.Lakshmi Bai

... Petitioner

Vs.

1. The Secretary to Government,
Electricity Department,
Secretariat, Chennai - 600 009.
2. The Chairman,
The Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.
3. The Director,
Transmission Projects,
TAN TRANSCO,
X Floor, NPKRR Malgai,
No.144, Anna Salai, Chennai - 600 002.
4. The Superintendent Engineer,
GCCCI 230 KVA,
TANTRANSCO,
Tamil Nadu Electricity Board,
No.10, Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.
5. The Chief Engineer,
Transmission Project - I,
TANTRANSCO,
Tamil Nadu Electricity Board,
A 10, Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents from passing the existing route of the high electric supply line for Thirunindravur to Paparambakkam 110 KV project through the lands of the petitioner comprised in Survey No.332/1B of an extent of acre 1.10 cents, situated in Aranvoyal Village, land comprised in S.No.8/3A of an extent of acre 0.40 cents, S.No.8/3D1 of an extent of acre 0.29 cents, S.No.8/11A 1 of an extent of acre

0.78 cents, S.No.8/11 B 4 of an extent of acre 0.04 cents, S.No.8/12A of an extent of acre 0.22 cents and S.No.8/13 of an extent of acre 0.66 cents situated in Murukenchery Village, Thiruvallur Taluk and District in all total extent of land being acre 3.49 cents.

For Petitioner : Mr.A.Palaniappan

For Respondents : Mr.M.Elumalai, (for R1)
Government Advocate
Mr.Vijaymehanath (for R2 to R5)
Standing Counsel

O R D E R

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

2. Mr.M.Elumalai, learned Government Advocate takes notice for R1 and Mr.Vijaymehanath, learned Standing Counsel takes notice for the respondents.

3. Though the prayer in the Writ Petition is widely worded, Mr.A.Palaniappan, learned Counsel appearing for the petitioner would submit that the petitioner would be satisfied if the respondents follow the procedure prescribed under Section 16(1) of Indian Telegraph Act by approaching the concerned District Magistrate (District Collector).

4. In the light of the said submission and in the light of the judgment of the Division Bench in D.Rajendran & others Vs. Tamil Nadu Electricity Board in W.A.No.1294 of 2017, dated 31.07.2018, this Writ Petition is disposed of with a direction that the respondents shall not erect any tower without getting appropriate orders from the District Magistrate/District Collector, as contemplated under Section 16(1) of the Indian Telegraph Act. The District Collector, shall follow the procedure prescribed under Section 16 of Indian Telegraph Act, while conducting the enquiry. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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<https://hcservices.ecourts.gov.in/hcservices/>

To,

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LN (CO)
GMY (27/07/2020)

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