

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.Nos.8424 and 8425 of 2020
& W.M.P.Nos.10126 and 10127 of 2020

Sevathal

... Petitioner in
W.P.No.8424 of 2020

Malli

... Petitioner in
W.P.No.8425 of 2020

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri - 5
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri - 5.
3. The Executive Engineer,
Tamil Nadu Electricity Board,
Dharmapuri - 5.
4. The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Adhiyamankottai Circle,
Dharmapuri -5.

... Respondents in both
W.Ps

Prayer in W.P.No.8424 of 2020: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents herein, from in any way interfering with the petitioner's family's peaceful possession, occupation and enjoyment of the petitioner's land measuring to an extent of 3580 ½ sq. ft (332.64 Sq.Mtr.) and 742 ½ Sq. ft (68.98 sq.mtr) in total 4323 sq. fts. Comprised in S.No.145/3 situated in Ungaranahalli Revenue Village, Dharmapuri Taluk and District.

Prayer in W.P.No.8425 of 2020: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents herein, from in any way interfering with the petitioner's family's peaceful possession, occupation and enjoyment of the petitioner's patta land bearing Plot No.3, comprised in S.No.145/2 of an extent of 1225 sq.fts (0.11.0 Hectares) situated Ungaranahalli Revenue Village, Dharmapuri Taluk and District.

For Petitioners: Mr.D.Basker for
in both W.Ps. Mr.R.Thamaraiselvan

For Respondents: Mr.M.Elumalai, (for R1)
in both W.Ps. Government Advocate

Mr.Vijaymehanath (for R2 to R4)
Standing Counsel

COMMON ORDER

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 prayers in the Writ Petitions are widely worded, Mr.D.Basker appearing for Mr.R.Thamaraiselvan, learned counsel for petitioners, would submit that the petitioners 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 Petitions are 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

//True Copy//

Sub Assistant Registrar

Vum

19.06.2020

To,

1. The District Collector,
Dharmapuri District,
Dharmapuri - 5
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri - 5.
3. The Executive Engineer,
Tamil Nadu Electricity Board,
Dharmapuri - 5.
4. The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Adhiyamankottai Circle,
Dharmapuri -5.

सत्यमेव जयते

W.P.Nos.8424 and 8425 of 2020
& W.M.P.Nos.10126 and 10127 of 2020

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MR (CO)
GS (27/07/2020)