

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10076 of 2020 and
W.M.P.No.12245 of 2020

R.Easwarmoorthy

... Petitioner

Vs.

1.The District Collector,
Office of the District Collectorate,
Kallakurichi District.

2.The District Revenue Officer,
Office of the DRO,
Kallakurichi District.

3.The Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.

4.The Block Development Officer,
Chinna Salem,
Kallakurichi District.

5.The Assistant Director,
Town & Country Planning,
Villupuram Zone,
Tadco Complex,
Government Hospital Road,
Villupuram.

6.The Superintend Engineer,
TANGEDCO Electricity Department,
Kallakurichi Taluk,
Kallakurichi District.

7.Power Grid Corporation of India Ltd.,
M-463, New Housing Board,
Narasingapuram Post,
Attur Taluk,
Salem 636 108.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the first respondent

to pass orders on the representation of the petitioner dated 11.06.2020 and pass orders.

For Petitioner : Mr.A.Velmurugan
For Respondents: Mr.A.Aruldoss,
Government Advocate for R1 to R5
Mr.Vijayamehanath,
Standing Counsel for R6
M/s.Aiyar & Dolia for R7

O R D E R

The present writ petition has been filed to direct the first respondent to consider the representation made by the petitioner objecting to the seventh respondent laying the tower inside the property of the petitioner.

2.The seventh respondent is a Government of India Enterprise which is involved in the activity of maintaining power transmission towers and drawing transmission lines. The seventh respondent was attempting to erect a tower in the subject property and the same was objected by the petitioner. It is seen from Paragraph 15 of the counter affidavit filed by the seventh respondent that an application has been made on 07.03.2020 under Section 16(1) of the Indian Telegraph Act, 1882 to the first respondent seeking permission for removal of obstruction made by the petitioner and to permit the seventh respondent to carryout the work.

3.The petitioner also made a representation to the first respondent and the same was not considered and the apprehension of the petitioner is that the tower will be erected in spite of objections made by the petitioner.

4.The learned counsel appearing on behalf of the seventh respondent submitted that the seventh respondent will be able to continue with the work only after the first respondent pass an appropriate order on the application filed by the seventh respondent.

5.The learned counsel appearing on behalf of the petitioner submitted that while considering the application filed by the seventh respondent, the objections made by the petitioner and the representation given by the petitioner in this regard, can also be considered by the first respondent. The learned counsel for the petitioner further submitted that the petitioner should be afforded an opportunity before any orders are passed by the seventh respondent.

6.This Court has carefully considered the submissions made on either side and the materials available on record.

7.In view of the specific stand taken by the seventh respondent at Paragraph 15 of the counter affidavit, the apprehension raised by the petitioner has been answered and the seventh respondent will carry on with the work only after appropriate orders are obtained from the first respondent. The application filed by the seventh respondent is pending from 07.03.2020 onwards. The petitioner has also submitted the objections. Therefore, it will be appropriate to issue directions to the first respondent to pass orders within the time stipulated by this Court.

8.This writ petition is disposed of with a direction to the first respondent to deal with the application filed by the seventh respondent on 07.03.2020 after and issuing proper notice to the petitioner. The petitioner is also entitled to submit his objections and he shall be afforded an opportunity. The first respondent shall pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order. In the meantime, till the orders are passed by the first respondent, the seventh respondent shall not proceed further with the work. No costs. Consequently, connected Miscellaneous Petition is also closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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To

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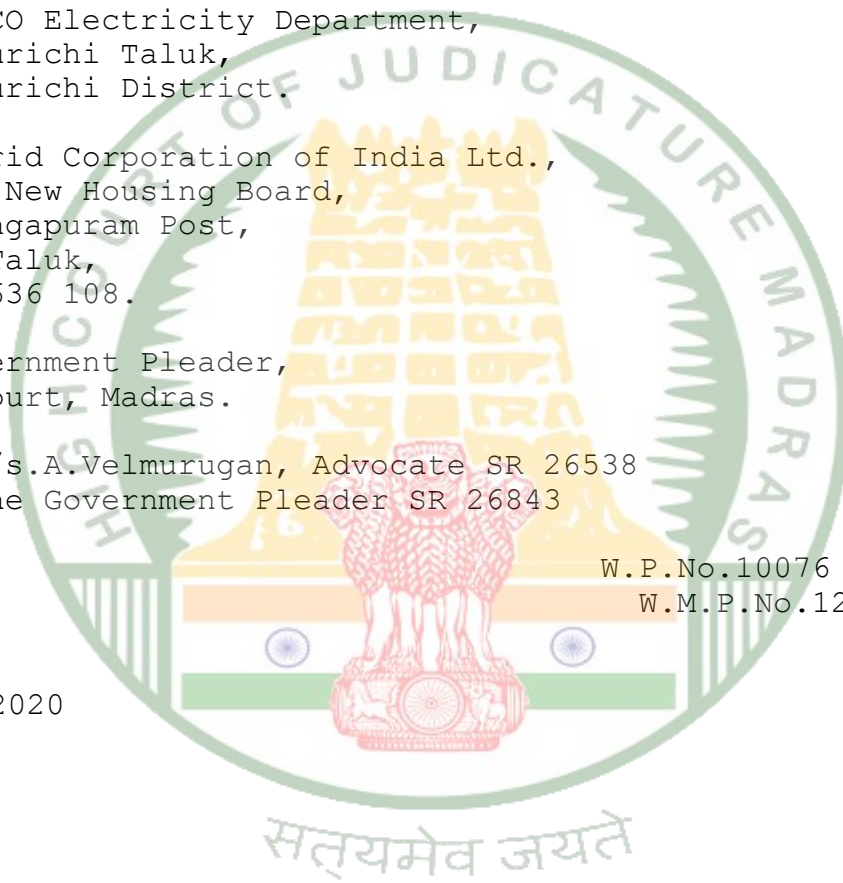
8.The Government Pleader,
High Court, Madras.

+1cc to M/s.A.Velmurugan, Advocate SR 26538

+1cc to the Government Pleader SR 26843

W.P.No.10076 of 2020 and
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VSNII (CO)
VS 27.08.2020



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