

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.15107 of 2020
and WMP. No.18841 of 2020

S.Saminathan

...Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation and Electricity Distribution,
Corporation (TANGEDCO)
144, Anna Salai, Chennai-2.

2. The Chief Engineer,
Distribution (Kovai Region)
Tamil Nadu Generation and Electricity Distribution,
Corporation (TANGEDCO), Tatabad, Coimbatore-12.

3. The Superintending Engineer,
General Construction Circle & Tower Line Construction,
Tamil Nadu Generation and Electricity Distribution,
Corporation (TANGEDCO),
Coimbatore.

4. The District collector,
Tiruppur District.
(Suo moto added as 4th respondent)

...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 of the petitioner dated 25.06.2020 for the erection of electricity tower line in alternative route as mentioned in the representation and pass orders after hearing of the petitioner and till such time direct the respondents not to erect any electricity tower or tower line for the construction of sub station at Avinashipalayam through the agricultural land

of the petitioner in S.Nos.666, 667,668, 672/13A and 695 of South Avinashipalayam Village.

For Petitioner : Mr.S.Doraiswamy
For Respondents: Mr.Abdul Saleem R1 to R3
Standing Counsel
Mr.E.Balamurugan R4
Special Government Pleader

O R D E R

The District Collector, Tiruppur District is Suo Moto added as the 4th respondent in this Writ Petition.

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 25.06.2020 wherein the petitioner is requesting the respondents to consider an alternative route for the purpose of erection of the electricity tower line.

2. Mr,Abdul Saleem, learned Standing Counsel appearing on behalf of the respondents 1 to 3 submitted that based on the objections given by the petitioner, the 4th respondent/District Collector, Tiruppur District had called for an enquiry on 27.10.2020. The learned counsel submitted that no enquiry took place on that day and the District Collector has directed the concerned Revenue Divisional Officer to make an inspection and submit a report and thereafter, the enquiry will be conducted by the District Collector after affording opportunity to all parties concerned.

3. Mr.S.Doraisamy, learned counsel appearing on behalf of the petitioner submitted that the 4th respondent can be directed to issue a fresh notice to the petitioner after fixing a date for enquiry and the petitioner should be given sufficient opportunity to put forth his case before the 4th respondent.

4. Taking into consideration the facts and circumstances of the case and recording the submissions made by the learned Standing Counsel appearing on behalf of the respondents 1 to 3, there shall be a direction to the 4th respondent to issue fresh notice to the petitioner and other interested parties by fixing a date for enquiry and sufficient opportunity shall be given to the parties before passing final orders. The 4th respondent shall pass final order, within a period of four weeks from the date on which he fixes the enquiry.

5. This Writ Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is also closed. No costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Generation and Electricity Distribution,
Corporation (TANGEDCO)
144, Anna Salai, Chennai-2.

2. The Chief Engineer,
Distribution (Kovai Region)
Tamil Nadu Generation and Electricity Distribution,
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3. The Superintending Engineer,
General Construction Circle & Tower Line Construction,
Tamil Nadu Generation and Electricity Distribution,
Corporation (TANGEDCO),
Coimbatore.

4. The District collector,
Tiruppur District.

+lcc to the Government Pleader, SR.No.35475

+lcc to Mr.S.Doraisamy, Advocate, SR.No.35002

सत्यमेव जयते

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VM(CO)
KKV/09/12/2020

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