

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.15985 of 2020

D.Vijaya Annamalai,
S/o. Devaraj

...Petitioner

Vs

- 1.The Chairman,
Tamil Nadu Electricity Board,
Electricity Avenue,
Anna Salai, Chennai-600 002.
- 2.The Chief Engineer,
Transmission, Project-I,
A-10, Thiru-Vi-Ka, Industrial Estate,
230, KV SS Complex,
3rd Floor, Guindy, Chennai-32.
- 3.The Supervisor Engineer,
Guindy, Chennai-2.
- 4.The District Collector,
Thiruvannamalai District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the second respondent to consider the appeal grievance filed by the petitioner dated 09.10.2020 and further directing the respondents not to disturb the petitioner land in Survey No.134/2,3,4 in Periakalapadi Village, Thiruvannamalai Taluk, Thiruvannamalai District till disposal of appeal pending before the second respondent.

For Petitioner : Mr. S.Ramajayam

For Respondents : Mr.Abdul Salem

Standing Counsel for R1 to R3

Mr.Parameswaran

Government Advocate for R4

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the 2nd respondent to consider the representation made by the petitioner on 09.10.2020, wherein the petitioner has requested not to carry on with the work of laying the towers and effecting connection by utilizing the property belonging to the petitioner.

2. When the matter came up for hearing on 10.11.2020, this Court passed the following order :

"Mr. Abdul Saleem, learned Standing Counsel takes notice on behalf of respondents 1 to 3.

2. Mr. Parameswaran, learned Govt. Advocate takes notice on behalf of the 4th respondent.

3. It is seen from the records that the petitioner has made objections to the erection of a transmission tower in his property. Once an objection is given by the land owner, the only option left is to approach the District Collector to get an order to enter upon the property. There is no scope for filing any appeal before the 2nd respondent.

4. The learned Standing Counsel appearing on behalf of the respondents submitted that he will take instructions from the respondents as to whether any application has been left before the District Collector seeking for a permission to enter upon the property.

5. The learned Govt. Advocate also sought for time to take instructions as to whether any application has been received in the office of the District Collector.

6. Post this case under the caption 'for admission' on 19.11.2020."

3. The learned Standing Counsel appearing on behalf of respondents 1 to 3 submitted that immediately after the petitioner raised objection for carrying out the work, the respondents made an application before the District Collector namely the 4th respondent on 03.02.2020 seeking for permission to enter upon the property of the petitioner. The learned counsel further submitted that the District Collector had directed the

Tahsildar to inspect and submit a report on 21.02.2020. The learned counsel further submitted that thereafter there has been absolutely no progress and respondents 1 to 3 will be able to carry on with the further work only after the orders are passed by the 4th respondent on the application submitted before the said authority.

4. Taking into consideration the facts and circumstances of the case and the specific stand taken by respondents 1 to 3, there shall be a direction to the 4th respondent to immediately conduct the enquiry on the application filed by respondents 1 to 3 on 03.02.2020, after affording an opportunity to the parties and an order shall be passed within a period of four weeks from the date of receipt of copy of this order. It is made clear that till orders are passed by the 4th respondent, the respondents 1 to 3 will not interfere with the possession and enjoyment of the property of the petitioner.

5. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Board,
Electricity Avenue,
Anna Salai, Chennai-600 002.

2. The Chief Engineer,
Transmission, Project-I,
A-10, Thiru-Vi-Ka, Industrial Estate,
230, KV SS Complex,
3rd Floor, Guindy, Chennai-32.

3. The Supervisor Engineer,
Guindy, Chennai-2.

4. The District Collector,
Thiruvannamalai District.

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UM(CO)
KKV/05/01/2021