

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.16627 of 2020

and

WMP No.20627 of 2020

Saraswathi

...Petitioner

Vs

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Power Grid Corporation of India,
Udumalpet Sub-station, 400KV Substation,
Represented by its Manager,
Myvadi-Post, Kaniyur-via,
Madathukulam Taluk, Tiruppur District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus forbearing the respondents from erecting the High Transmission Electric line above the Agricultural Well comprised in S.No.183/2, Thungavi Village, Madathukulam Taluk, Tiruppur District by considering the petitioner's representation/objection dated 21.10.2020.

For Petitioner : Mr.D.R.Arunkumar

For Respondents : Mr.E.Balamurugane
Special Government Pleader for R1
Mr.Jayesh Dolia
Standing Counsel for R2

ORDER

This Writ Petition has been filed for the issue of writ of mandamus forbearing the 2nd respondent from erecting high transmission electric line above the agricultural land belonging to the petitioner.

2.The case of the petitioner is that she is the absolute owner of the agricultural land in S.No.183/2, Thungavi Village, Tiruppur. The petitioner claims that the agricultural land is her only livelihood. According to the petitioner, there is a

well in the property and it is the only source to irrigate the agricultural land.

3.The grievance of the petitioner is that the second respondent has entered upon the property of the petitioner for the purpose of laying the transmission line over the property belonging to the petitioner. An objection was given by the petitioner to the respondents on 21.10.2020 and without considering the same, the second respondent is continuing with the work and aggrieved by the same, the present writ petition has been filed before this Court.

4.Mr.Jayesh Dolia, learned Standing Counsel appearing on behalf of the second respondent submitted that the towers had already been laid and what remains is only stringing wire connection between the towers and the wires will run 20 meters above the property belonging to the petitioner. The learned counsel submitted that if the petitioner incurs any damage, it is always open to the petitioner to seek for compensation in accordance with law.

5.Per contra, the learned counsel for the petitioner submitted that once the objection has been given by the petitioner restraining the second respondent from entering upon the land, the second respondent cannot continue with the work without getting permission of the first respondent. The learned counsel submitted that the representation has already been given to the first respondent in this regard on 21.10.2020.

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

7.The petitioner objects the second respondent entering upon the subject property for the purpose of carrying on with the work to string wire between two towers. When such objection is made, the second respondent will have to necessarily get the permission and necessary orders from the first respondent to enter upon the property of the petitioner.

8.In view of the above, there shall be a direction to the second respondent to file an appropriate application before the first respondent seeking for permission to enter upon the property of the petitioner to continue with the work and the 1st respondent on receipt of the application from the second respondent, shall pass order in accordance with law within a period of four weeks from the date of receipt of the application from the second respondent.

9. Till then the second respondent shall not enter upon the property of the petitioner.

10. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

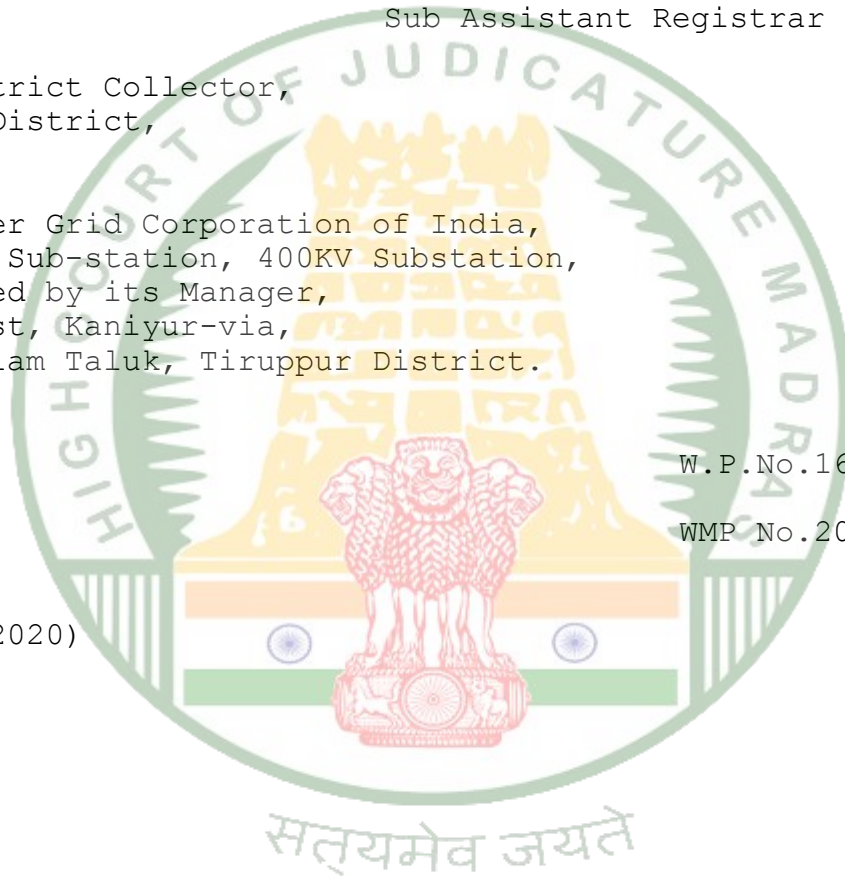
To

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