

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17891 of 2020

and

W.M.P.No.22179 of 2020

Sharath Ashok Kumar Shetty,
Wife of Ashok Kumar Shetty,
'RATHI' AI-117, 8th Main Road,
Anna Nagar, Chennai 600040.

...Petitioner

.Vs.

The Superintending Engineer,
Office of the Superintending Engineer,
Chennai Construction Circle II,
Alandur, Chennai 600016.

...Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the respondent or his men or anybody claiming through him form erecting pylon or High Tension Power Transmission Towers by digging foundation pits and drawing electric cables across the Petitioner's agricultural lands in Echoor A and Mettupalayam Village in Sriperumbudur Taluk of Kanchipuram District and situate in Survey Numbers as specifically mentioned in the Petitioner's representation, dated 13.08.2020, without any due process of law.

For Petitioner : Mr.J.Nagarajan

For Respondents: Mr.Abdul Saleem

Standing counsel

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, forbearing the respondent from in anyway interfering with the possession and enjoyment of the petitioner in the subject property unless and otherwise by due process of law.

2.The grievance of the petitioner is that she is the owner of the subject property and the respondent was making attempts to erect tower and draw overhead transmission lines in the property belonging to the petitioner. Even though the petitioner

objected the respondent from carrying on with the work, the respondent was hell-bent in carrying on with the work and left with no other option, the present Writ Petition has been filed before this Court.

3.Mr.Abdul Saleem, learned Standing Counsel appearing on behalf of the respondent submitted that since the petitioner is raising objections for laying the tower and drawing overhead lines, the respondent will file appropriate application before the District Collector under Section 16 of the Indian Telegraph Act and only after getting appropriate permission to enter upon the property, further work will be carried out by the respondent in the property belonging to the petitioner. It was undertaken that till the permission is granted to enter upon the property, the respondent will not interfere with the possession and enjoyment of the property belonging to the petitioner.

4.Recording the submissions of the learned Standing Counsel appearing on behalf of the respondent, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

To

The Superintending Engineer,
Office of the Superintending Engineer,
Chennai Construction Circle II,
Alandur, Chennai 600016.

+1cc to Mr.J.Nagarajan, Advocate, S.R.No.41335

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