

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.12.2020

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.18749 of 2020

and

W.M.P.Nos.23296, 23289 & 23295 of 2020

P.Ponnusamy

...Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Tiruppur.
- 2.The Senior Deputy General Manager,
Power Grid Corporation of India
Palladam TLC Office
28B-2, First Floor, Pollachi Road,
P.Vadugapalayam, Palladam - 641 664
Tiruppur District.
- 3.The Superintendent of Police
Tiruppur District,
Tiruppur.
- 4.The Inspector of Police
Kundadam Police Station
Kundadam, Tiruppur District.

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records of order dated 20.02.2020 in SR-II / PLD TLC / DC- TPR /2020 / F-128 / 1841 and consequent communication dated 17.7.2020 in SR-II / PLD TLC / WP No. 32668 / 19 and WP 9104 / 2020 / 1158 on the file of 2nd Respondent herein and quash the same.

For Petitioner : Mr.N.Ponraj
For Respondents : Mr.E.Balamurugan
Special Government Pleader
[For R1]
Mr.R.Thiyagarajan
Senior counsel [For R2]

ORDER

The present writ petition has been filed challenging the impugned order passed by the 2nd respondent dated 17.07.2020.

2. The case of the petitioner is that he is having a Poultry Farm in the subject property. The 2nd respondent started taking steps to lay a transmission line over the property of the petitioner. The petitioner made a representation on the ground that there is an alternate way through which the transmission line can be drawn and the same was not considered. The petitioner therefore filed a writ petition before this Court in W.P.No.32668 of 2019 and this Court directed the respondents to consider the representation made by the petitioner.

3. Pursuant to the orders passed by this Court, the 1st respondent directed the 2nd respondent to inspect the property. According to the petitioner, the 2nd respondent even without inspecting the property, has come to a conclusion that there is no alternate way through which the transmission line can be drawn. According to the petitioner, the decision arrived at by the 2nd respondent was arbitrary and it was done even without conducting an inspection in the property. Ultimately the 2nd respondent through the impugned proceedings dated 17.07.2020, has held that there is no technical feasibility to carryout the work through any alternate way. However the 2nd respondent on considering the request made by the petitioner, has increased the height of the towers to ensure that no adverse impact is caused to the Poultry Farm run by the petitioner. The petitioner not being satisfied with the order passed by the 2nd respondent, has approached this Court challenging the same.

4. Heard Mr.N.Ponraj, learned counsel appearing for the petitioner; Mr.E.Balamurugan, learned Special Government Pleader appearing for the 1st respondent and Mr.R.Thiyagarajan, learned counsel appearing on behalf of the 2nd respondent.

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

6. The only claim made by the petitioner is that there is an alternate way through which the transmission line can be drawn and the same was not considered by the respondents and thereby the petitioner has been put to hardship. The 1st respondent had directed the 2nd respondent to carryout an inspection and see if it is technically feasible to draw the transmission line through any other alternative way. The 2nd respondent has come to a conclusion that there is no technical feasibility to shift the transmission line from the original alignment. The 2nd respondent

has also considered the request made by the petitioner and has decided to increase the height of the towers. For proper appreciation, Paragraph 4 of the order passed by the 2nd respondent is extracted hereunder:

"We wish to submit that the route alignment of the transmission line is already fixed, and the tower foundation works in respect of tower AP-29/0 is already completed. The Said Poultry farm is fouling between towers AP-28/0 and AP-28/1 in Muthiyampatti village. There is no technical feasibility to shift the transmission line away from the Petitioner's land S.F.No.42. Hence, we have increased the height of towers AP-28/0 and AP-28/1 as below:

- Tower AP-28/0 which was originally of type B with zero metre extension (B+0) is changed to type D with 18 metre height extension (D+18)
- Tower AP-28/1 which was originally of type A with 3 metre extension (A+3) is changed to type A with 9 metre height extension (A+9)"

7. The above order has already been intimated to the 1st respondent and the learned Senior counsel appearing on behalf of the 2nd respondent submitted that the entire work has been completed as early as in August 2020.

8. It has been consistently held that the decision taken by the experts in so far as laying the transmission lines are concerned, are not normally interfered by this Court. This Court considered a similar plea in W.P.No.12848 of 2020 and passed an order on 01.10.2020. The relevant portion in the order is extracted hereunder:

"10. The petitioner is seeking for an alternative way for the drawing of the overhead transmission lines. The request made by the petitioner cannot be granted by this Court, since the entire project is designed by the experts in the field and this Court cannot sit over their judgment, and direct the respondents 1 to 3 to consider an alternate way for the purpose of drawing the transmission lines. The Division Bench Judgment relied upon by the learned Senior Counsel for the M/s. Sri Vignesh Yarns Private Ltd., Tirupur referred supra, makes it very clear that this Court cannot change any alignment or directing the respondents to take an alternative way for drawing the overhead line, and it is best left in the hands of experts. Therefore, the request made by the petitioner to consider the alternate way for drawing the transmission lines cannot be sustained in law."

9. In the present case, the 2nd respondent has in fact taken into consideration the grievance of the petitioner and has

increased the height of the tower which is evident from Paragraph 4 of the order which has been extracted supra.

10. This Court does not find any ground to interfere with the impugned proceedings of the 2nd respondent and accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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- 4.The Inspector of Police
Kundadam Police Station
Kundadam, Tiruppur District.

+1cc to Government Pleader, S.R.No.41299

W.P.No.18749 of 2020

NR(CO)
KKV/07/01/2021

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