

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.32130 of 2019

and

WMP.Nos.32401 & 32403 of 2019

A.Siva Subramanian

...Petitioner

vs.

1. The Chairman,
TANGEDCO, Anna Salai,
Chennai - 600 002.
2. The District Collector,
Collectorate, Tirupur,
Tirupur District.
3. The Sub Collector,
Office of the Sub Collector,
Tharapuram.
4. The Superintendent Engineer,
General Construction Division, TANGEDCO,
Tatabath,
Coimbatore - 600 012.
5. The Executive Engineer,
General Construction Division, TANGEDCO,
Tatabath, Coimbatore - 600 012.
6. The Executive Engineer,
Tower Line Construction,
Perunthurai, Erode.
7. The Assistant Engineer,
Tower Line Construction,
Perunthurai, Erode.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order bearing Na.Ka.No.12249 / 2016/ C1 dated 30.10.2019 passed by the 2nd respondent is illegal and quash the same and subsequently direct

the respondents to realign the tower Nos.32, 33 and 34 which come within middle of the petitioner field and shift the same to the corner of the petitioner field without deviating the approved route.

For Petitioner : Mr.G.Ranganathan

For Respondents: Mr.Abdul Saleem -R1 and R4 to R7
Mr.Annai Ezhil, GA-R2 & R3

ORDER

This writ petition has been filed challenging the proceedings of the second respondent dated 30.10.2019, and for a consequential direction to the second respondent to realign the three towers, which according to the petitioner, comes in the middle of the petitioner's property.

2.Heard Mr.G.Ranganathan, learned counsel for the petitioner and Mr.Abdul Saleem, learned Standing Counsel appearing on behalf of the respondents 1 and 4 to 7 and Mr.Annai Ezhil, learned Government Advocate appearing on behalf of the respondents 2 and 3.

3.The learned Standing Counsel appearing on behalf of TANGEDCO brought the notice of this Court the order passed by the Division Bench in WA.Nos.2032 etc. of 2019. The learned counsel submitted that the Division Bench has gone into every aspect of the entire project and has upheld the action taken by the TANGEDCO to proceed further with the laying of towers and completing the project. The learned Standing Counsel submitted that the Division Bench has also given a direction for payment of compensation for those persons, whose lands have been utilised for the purpose of the project.

4.A careful reading of the order passed by the Division Bench shows that the respondent TANGEDCO has been specifically granted permission to enter upon the lands and erect towers and string the lines without any further delay. The Division Bench has also directed the authorities to fix compensation and pay the same to the concerned land owners.

5.In view of the above, no further orders can be passed in the present writ petition. That apart, the petitioner is seeking for realignment of towers and such a direction can never be granted by this Court, since it is an area belonging to experts.

6.In the result, this writ petition is disposed of with a direction to the respondents to comply with the direction issued

by the Division Bench in the judgment referred supra and complete the project at the earliest. No costs. Consequently, connected Miscellaneous Petitions are closed.

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ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To

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Chennai - 600 002.
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NS-19/12/2020