

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2020

C O R A M

THE HONOURABLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P.No.35500 of 2019
and
W.M.P.No.36335 of 2019

Shri S.Ramalingam Chettiyar

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Thiruvananthapuram District,
Thiruvananthapuram-606 604.

2. Power Grid Corporation of India Ltd.,
Represented by its Senior Deputy General Manager,
No.1278/A, Ganapathy Street,
Thendral Nagar (South),
Thiruvananthapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, to direct the District Collector, Tiruvananthapuram, First Respondent herein to reconsider the proceedings in Na.Ka.No.M1/23075/2019 dated 02.12.2019 and pass consequential order after considering the Petitioner's representation dated 14.12.2019 sent to the District Collector, Tiruvananthapuram the First Respondent herein on merits and in accordance with law, forthwith.

For Petitioner : Mr.C.V.Vijayakumar

For Respondent 1 : Mr.R.Venkatesh
Government Advocate

For Respondent 2 : Mr.Thiagarajan
Senior Counsel
for M/s.Aiyar and Dolia

ORDER

Heard Mr. C.V.Vijayakumar, Learned Counsel for the Petitioner Mr. R.Venkatesh, Learned Government Advocate, who takes notice for the First Respondent and Mr. Thiagarajan, Learned Senior Counsel for M/s Aiyar and Dolia who takes notice for the Second Respondent, and perused the materials placed on

record, apart from the pleadings of the parties.

2. The First Respondent exercising powers under Section 16(1) of the Indian Telegraph Act, 1885, had permitted the Second Respondent by order Na.Ka.no.M1/23075/2019 dated 02.12.2019, to erect electric towers in the land belonging to the Petitioner. The grievance sought to be redressed by the Petitioner in this Writ Petition is that before granting such permission, the Petitioner was not given any prior notice or afforded any opportunity of personal hearing to place his objections, which is in violation of the principles of natural justice and though the Petitioner has made a representation dated 14.12.2019 to reconsider the same, no action has been taken thereon.

3. Learned Government Advocate appearing for the First Respondent submits that the aforesaid representation dated 14.12.2019 made by the Petitioner has been treated as an application made to remove or alter the route of the electric towers under Section 17(2) of the Indian Telegraph Act, 1885, and enquiry for the same has been commenced on 05.02.2020.

4. In view of the aforesaid subsequent developments, the Learned Counsel for the Petitioner seeks permission of the Court to withdraw this Writ Petition with liberty to challenge any order that the First Respondent may pass on the aforesaid application before the proper forum, if it is adverse to the interests of the Petitioner. He has also made an endorsement to that effect, which is recorded. Though obvious, it is made clear that the First Respondent after affording full opportunity of hearing to all the parties concerned (including the Petitioner and Second Respondent), shall consider each of the contentions raised by them and shall pass reasoned orders on merits and in accordance with law and communicate the decision taken to them under written acknowledgment and that till orders are passed by the First Respondent on the aforesaid application made by the Petitioner under Section 17(2) of the Indian Telegraph Act, 1885, the Second Respondent shall not enter into the property of the Petitioner for erection of electric towers.

5. Accordingly, the Writ Petition is dismissed as withdrawn giving such liberty. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vjt/ta

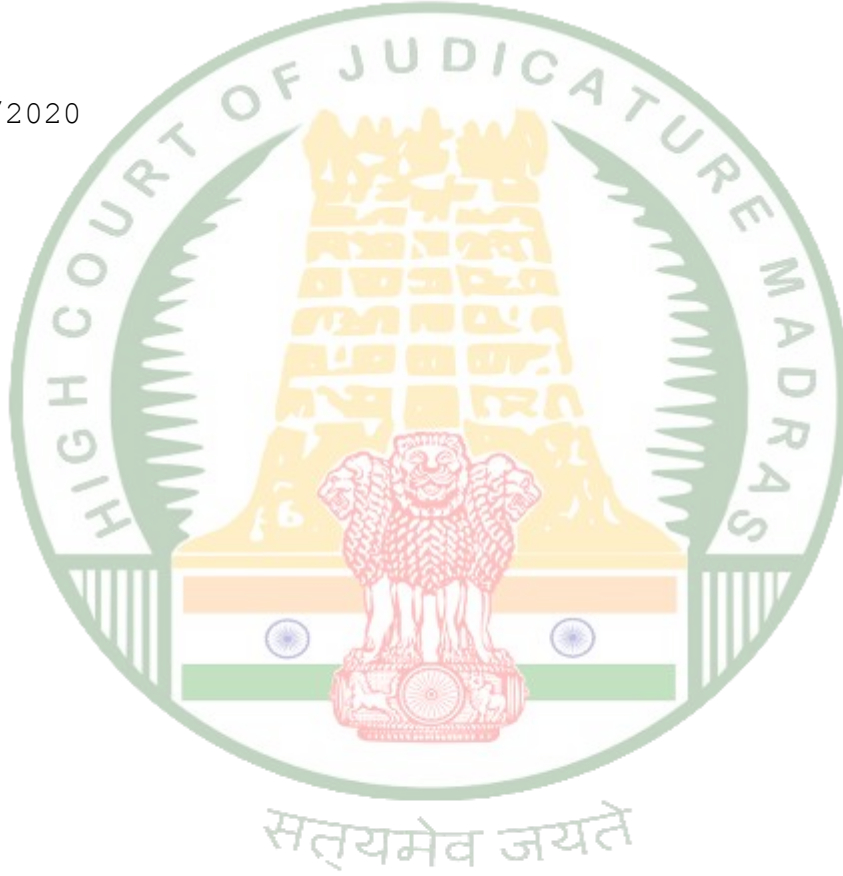
To

The District Collector,
Office of the District Collector,
Thiruvananthapuram District,
Thiruvananthapuram-606 604.

+1cc to M/s.Aiyar & Dalia, Advocate, S.R.No.9836

W.P.No.35500 of 2019

RJI (CO)
KKV/10/06/2020



WEB COPY