



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2020**

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.1060 of 2020

and

W.M.P(MD)Nos.849 & 851 of 2020

S. Lakshmana Perumal

... Petitioner

Vs.

1.The District Collector,
Tuticorin 628 101,
Tuticorin District.

2.The Tahsildar,
Kayathar Taluk,
Tuticorin District 628 952.

3.The Chief Engineer,
Non Conventional Energy Sources (NCES),
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 2.

4.M/s. Vestas Wind Technology India Private Ltd.,
No.298, Rajiv Gandhi Salai,
Sholinganallur,
Chennai 119.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the unlawful erection of 20 electricity transmission poles in the petitioner's agricultural land in S.Nos.158/2, 166/4, 166/5, 285/5, 285/6E, 154/4, 289, 290/8 total in 3.73 hectare of the petitioner's own land in Kuthiraikulam, Silankulam, Kayathar Taluk, Tuticorin District 628 718.

For Petitioner	: Mr.Chinraj
For R-1 & R-2	: Mrs.J.Padmavathi Devi, Special Government Pleader
For R-3	: Mrs.S.Srimathy, Special Government Pleader



ORDER

Heard the learned counsel appearing for the petitioner, the learned Special Government Pleaders appearing for the respondents 1 to 3.

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2. The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the unlawful erection of 20 electricity transmission poles in the petitioner's agricultural land in S.Nos.158/2, 166/4, 166/5, 285/5, 285/6E, 154/4, 289, 290/8 in Kuthiraikulam, Silankulam, Kayathar Taluk, Tuticorin District.

3. The fourth respondent is a private limited Company and they have been engaged in generation of power and the generated power has been supplied to the Power Supply Corporation, which is also a private body. If the petitioner has got any objections with regard to erection of poles, which have been taken through his private lands by encroaching upon the same, he has to work out his remedy only in a civil Court. However, having moved this Court, on earlier occasion, this Court has given liberty to the petitioner to settle the issue by receiving any compensation, which is acceptable to him. But, it is stated that there is no settlement arrived at between them.

4. The learned counsel for the fourth respondent submitted that the fourth respondent has offered a fair compensation. But, the petitioner has sought for an astronomical figure.

5. The dispute being one between private individuals, this Court is of the considered view that the parties can resolve their dispute in the manner known to law.

6. In the result, this writ petition stands dismissed as not maintainable. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The District Collector,
Tuticorin 628 101,
Tuticorin District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Tahsildar,
Kayathar Taluk,
Tuticorin District 628 952.

3.The Chief Engineer,
Non Conventional Energy Sources (NCES),
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai - 2.

+2 CC to M/s.K.CHINRAJ, Advocate (SR-6419[F] dated 14/02/2020)
+1 CC to M/s.Special Govt.Pleader (SR-6583[F] dated 17/02/2020)
+1 CC to M/s.B.SARAVANAN, Advocate (SR-6723[F] dated 18/02/2020)

W.P (MD)No.1060 of 2020
14.02.2020

pm

SDS (27.02.2020) 3P-8C