



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.7234 of 2020

WEB COPY

A.Chandrasekaran

... Petitioner

Vs

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Superintending Engineer (Distribution),
Tirunelveli Electricity Circle,
Maharaja Nagar,
Tirunelveli.

3.M/s.Suzlon Gujaraj Wind Park Ltd.,
No.5, Shrimali Society,
Near Shree Krishna Complex,
Navrungpura, Ahmedabad,
Gujarat.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's objection dated 01.07.2019 regarding the erection of electric tower and overhead lines across the land in S.No.168, 220, 224 at Akkanayakkanpatti Marudhanavazhvu Naraikinaru Village, Ottapidaram Taluk, Thoothukudi District and pass orders in accordance with Rule 3 of the Works of Licensees Rules, 2006, read with Section 17 of the Indian Telegraph Act, 1885.

For Petitioner	: Mr.H.Arumugam
For R1	: Mr.M.Rajarajan Government Advocate
For R2	: Mrs.M.Rajeswari for Mrs.S.Srimathay Special Government Pleader
For R3	: Mr.Ajmalkhan Senior Counsel

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the first respondent and the learned Standing Counsel appearing for the second respondent and the learned Senior Counsel appearing for the third respondent.



2.The petitioner's case is that he is having interest and ownership in the petition mentioned survey numbers. According to him, the third respondent had erected towers and drawn over headlines over the said survey numbers even without getting his consent. He has, therefore, submitted a representation dated 01.07.2019 in this regard.

3.The petitioner's counsel wants me to direct the first respondent to consider the said representation dated 01.07.2019 in accordance with Rule 3 of the Works of Licensees Rules, 2006 r/w Section 17 of the Indian Telegraph Act, 1885.

4.Though I was inclined to delve a little deep into the allegation made by the petitioner's counsel, I am afraid that I cannot do so. This is because, as rightly pointed out by the learned Senior Counsel appearing for the third respondent, the writ petitioner herein had already filed W.P.(MD)No.18225 of 2019 before the Hon'ble Division Bench which by order dated 26.08.2019, dismissed the same as not maintainable. The Hon'ble Division Bench had made it clear that it is for the writ petitioner to work out his remedies by approaching the competent Civil Court by filing appropriate civil suit.

5.The learned Senior Counsel appearing for the third respondent states that they went by the names that appeared in the revenue record and had already paid a certain sum of money to the person who claimed to be the owner of the petition mentioned land. The petitioner in his representation dated 01.07.2019 has asked for removal of the poles erected by the third respondent herein. But then, the Hon'ble Division Bench had declined to grant the relief sought for by the writ petitioner.

6.The petitioner's counsel now states that he would confine himself to the relief of getting compensation alone. But then, the District Collector may not be in a position to go into the rival claim. According to the third respondent, somebody else is the owner of the petition mentioned land.

7.The petitioner's counsel states that his father's name is also appearing in the revenue record. Of-course, the petitioner's father appears to have passed quite some time back. Thus, the first respondent/ Revenue Authority may not be in a position to investigate the rival title claims.

8.Therefore, the only option open to the petitioner herein is to move the jurisdictional Civil Court by filing suit and obtain his relief. I reiterate that I have not gone into the merits of the matter. The rights of the petitioner to move the Civil Court are left fully open.



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9. With this observation and liberty, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Superintending Engineer (Distribution),
Tirunelveli Electricity Circle,
Maharaja Nagar,
Tirunelveli.

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