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W.P.(MD)Nos.17622,21215,21956 & 25238 of 2019 and
W.P.(MD)No.5682 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.17622, 21215, 21956 & 25238 of 2019
and

W.P. (MD)No.5682 of 2020

and

W.M.P. (MD)Nos.14081, 15490, 17860, 18719, 21822 of 2019 and 4956 of
2020

M. Palanivel ... Petitioner in WP(MD). 17622 of 2019
P.Shanmugam ... Petitioner in WP(MD). 21215 of 2019
K.Palanivel ... Petitioner in WP(MD). 21956 of 2019
Nallammal ... Petitioner in WP(MD). 25238 of 2019
S. Chinnasamy ... Petitioner in WP(MD). 5682 of 2020

- Vs. -

- 1.The District Collector Karur District, Karur.
2. The Chief Manager, Power Grid Corporation India Limited,
400/230 Kv Substation, K.Paramathi Post, Karur District.
3. The Chairman/managing Director,
Tamilnadu General and Distribution Corporation Ltd.,
10th Floor, Npkrr Maligai, No.144, Anna Salai, Chennai.
4. The Tahsildar, Punjai Pugalur Taluk, Karur District.
5. Spring Renewable Energy Pvt, Ltd.,, 001 Level G.Pentagon P.S.
Magarpatta City, Hadapsar, Pune Rep by its Managing Director.
6. K.S.Wind and Renewables Indi A Ltd., ,
Rep by its Manager Mr.Kumar,
Visalakshi Street, Aiswarya Garden,
Goparasanallur, Poonamallee,
Chennai 600056.
(R6 Impleaded Vide Court order dated 05.08.2020 in WMP(MD)
15490/2019 in WP(MD)No.17622 of 2019)

... Respondents in WP(MD). 17622 of 2019



1. The District Collector Karur District ,
Collectorate, Thanthonimalai, Karur.

2.The Thasildar,Pugalur Tk, Karur District.

3. The Chief Manager Power Grid Corporation India Ltd.,
400/230 Kv Sub-Station, K.Paramathi Post, Karur District.

4.The Chairman/managing Director, Tangedco Ltd.,
10th Floor, Npkrr Maligai, No.144, Anna Salai, Chennai-2.

5.M/s.Spring Renewable Energy Pvt. Ltd.,, Rep. by its Director,
001 Level G.Pentagon P.S., Magarpatta City, Hadapsar, Pune-411 013
Also At. No.105, Tnhb Colony, Gandhigramam South,
Pasupathipalayam, Karur. ... Respondents in WP(MD). 21215 of 2019

1.The District Collector, Karur District, Karur.

2.The Chief Manager, Power Grid Corporation India Ltd.,
400/230, Kv Substation, K.Paramathi Po, Karur District.

3.The Chariman / Managing Director, Tangedco, 10th Floor,
Npkrr Maliga, No.144, Anna Salai, Chennai-2

4.The Tahsildar, Punjai Pugalur Tk, Karur District.

5.Spring Renewable Energy Pvt. Ltd., 001 Leval G.Pentagon
P.S.Magarpatta City, Hadapsar, Pune-411013,
Rep.By its Managing Director.

6.M/s.Ks Wind and Renewables I Ndia Private Ltd,
Rep.By its Operation Head Mr.P.Kumar, Office at D.No.40,
Visalakshi St,Aiswarya Garden, Goparasanallur, Pononamallee,
Chennai-5.

7.Nordex India Private Limited,
(Formerly Known as Acciona Wind Power India Private Limited)
(Cin U29253ka2015ptc081236),
Rep by its Authorized Signatories
Prashanth Vittal and Naqqash Grover,
Having its registered officer at 201,
2nd Floor, Prestige Emerald,
Municipal No.2, Old No.4,
Madras Bank Road, Corporation Division 61,
Bangalore 560 001, Karnataka.
(R7 is impleased vide Court order dated
05.08.2020 in WMP(MD)No.4539 of 2020 in
WP(MD)21956 of 2019)



- 1.The District Collector, Karur District, Karur.
- 2.The Chief Manager, Power Grid Corporation India Ltd.,
400/230 Kv Substation, K.Paramathi Post, Karur District.
- 3.The Chairman/managing Director,
Tamilnadu General and Distribution Corporation Ltd.,
10th Floor, Npkrr Maligai, No.144, Anna Salai, Chennai-2
- 4.The Tahsildar, Punjai Pugalur Taluk, Karur District.
- 5.Spring Renewable Energy Pvt Ltd.,
001, Level G.Pentagon P.S., Magarpatta City,
Hadapsar, Pune-411 013, Rep by its Managing Director.
- 6.M/s.Ks.Wind and Renewable In Dia Pvt Ltd.,
Rep by its Operation Head P.Kumar,
Having its Corporate Office at D.No.40,
Visalakshi St, Aiswarya Garden,
Goparasanallur, Poonamellee.

... Respondents in WP(MD). 25238 of 2019

- 1.The District Collector Karur District, Karur.
- 2.The Chief Manager, Power Grid Corporation India Ltd.,
400/230 Kv Substation, K.Paramathi (Po), Karur District
- 3.The Chairman/managing Director,
Tamil Nadu General and Distribution Corporation Ltd.,
10th Floor, Npkrr Maligai, No.144, Anna Salai, Chennai-2
- 4.The Tahsildar, Aravakurichi Tk., Karur District.
- 5.Spring Renewable Energy Pvt. Ltd.,
001 Level G.Pentagon P.S. Magarpatta City,
Hadapsar, Pune-411013, Rep. by its Managing Director.
- 6.M/s.Ks Wind and Renewables I Ndia Pvt. Ltd.,, Rep. by its
Operation Head P.Kumar, Having its Corporate Office at D.No.40,
Visalakshi St., Aiswarya Garden, Goparasanallur, Poonam

... Respondents in WP(MD). 5682 of 2020

Prayer in WP(MD). 17622 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Forbearing the respondents 2 to 5 from erecting HHigh Tension Electric Tower in S.NO.100B1, to an extent of 3.93 acres, situated at Nedungur Village, K.Paramathi, Karur District, without getting prior permission from the 1st respondent based upon the representation of the petitioner

dt 01.7.2019.

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



Prayer in WP(MD). 21215 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court forbearing the respondents from erecting any electric High Tension Tower or drawing High Tension Electric Lines in S.F.100/A1 of Nedungur Village, Pugalur Tk, Karur District on the basis of petitioner representation dated 27.09.2019.

Prayer in WP(MD). 21956 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court forbearing the respondents from erecting High Tension Electric Tower in S.Nos.70D, 76/1, to an extent of 13 Acres , situated at Nedungur village, Pugalur Tk, Karur district, without getting prior permission from the 1st respondent , based upon the representation of the petitioner dt.10/10/2019

Prayer in WP(MD). 25238 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court forbearing the respondents from erecting high tension electrical tower and electrical line in S.No.80/4 to an extent of 4 acres 8 1/2 cents, situated at Nedugnur Village, Pugalur Taluk, Karur District without getting prior permission from the 1st respondent based upon the representation of the petitioner dated 14.11.2019

Prayer in WP(MD). 5682 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court forbearing the respondents from erecting high tension electrical tower and 230 KV electric wire in S.No.1140/2, situated at Gudalur Keelpagam Fit-II village, Aravakurichi Taluk, Karur District, without getting prior permission from the 1st respondent, based upon the representation of the petitioner dated 16.3.2020.

For Petitioner	:	Mr.S.Gokul Raj
For R1 & R4	:	Mrs.S.Srimathy
in all WPs		Special Government Pleader
For R2 & R3	:	Ms.M.Rajeswari
in all WPs		for Mr.S.M.S.Johny Basha
For R5	:	Mr.Raguvaran Gopalan
in all WPs		
For R6	:	Mr.V.Subramanian
		for Ms.Kanimozhimathi
		WP(MD)No.17622 of 2019,
		WP(MD)No.21956 of 2019,
		WP(MD)No.25238 of 2019,
		WP(MD)No.5682 of 2020).
For R7	:	Mr.T.Kannan
		for Fox Manzal & Associates
		WP(MD)No.21956 of 2019.

**COMMON ORDER**

Heard the learned counsel on either side.

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2.The petitioners are the owners of the petition mentioned lands. The private respondents herein R5 and R6 are attempting to install high tension towers thereon and draw overhead lines across. The petitioners have offered their obstruction and resistance. They have represented through the various Authorities. They have filed these writ petitions.

3.The contentions urged by the petitioner's counsel is that when the petitioners have offered their obstruction and resistance, it is not open to the private respondents herein to go ahead without getting permission from the District Magistrate. The official respondents herein have clarified that the project in question is a private project. Be that as it may, a mere look at Section 10 and Section 16 of the Indian Telegraph Act, 1885, would indicate that where there is obstruction and resistance, it is the District Magistrate who has to give go ahead to the project proponent. In this case, the respondents 5 and 6 have not obtained any such clearance.

4.It appears that when the respondents 5 and 6 moved the District Collector, the same was negatived and the rejection order has been independently challenged. I make it clear that the order of rejection passed by the District Collector will be independently tested by this Court.

5.The contentions of the respondents 5 and 6 are left open in that regard. I only clarify that without an express permission in terms of Section 16 of the Indian Telegraph Act, 1885, the project proponent cannot enter the lands of the petitioners. In as much as, the clearance under Section 16 of the Indian Telegraph Act, 1885, is not there, respectfully following the order dated 03.03.2020 made in W.P.(MD)No.287 of 2020, the Writ Petitions are allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (LA&M)

// True Copy //

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Sub Assistant Registrar(CS)



Rmi

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The District Collector,
Karur District,
Karur.
- 2.The Tahsildar,
Punjai Pugalur Taluk,
Karur District.
3. The Tahsildar,
Pugalur Taluk,
Karur District.
- 4.The Tahsildar,
Aravakurichi Taluk,
Karur District.

W.P. (MD) Nos.17622, 21215, 21956 & 25238 of 2019
&
W.P. (MD) No.5682 of 2020
and
W.M.P. (MD) Nos.14081, 15490, 17860, 18719,
21822 of 2019 and 4956 of 2020
05.08.2020

VB (04.09.2020) 6P 5C