



WEB COPY

W.P.(MD)No.16496 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2020

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.16496 of 2015

and

M.P. (MD)No.1 of 2015

Selvam

: Petitioner

Vs.

1.The Chairman,
TNEB Limited (Tamil Nadu Electricity Board),
144, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer,
Tower Line Construction,
TANTRANSCO,
K.Pudur, Madurai.

3.The Executive Engineer,
Tower Line Construction,
TANTRANSCO,
K.Pudur, Madurai.

4.The Assistant Executive Engineer,
Tower Line Construction,
TANTRANSCO,
K.Pudur, Madurai.

5.The Executive Engineer,
Transmission Line Construction,
TNEB/TANTRANSCO,
Viruthunagar.

: Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in No.Say.Po/Pevamika/Virudhunagar/a.No.98/15, dated 02.09.2015 passed by the 5th respondent and quash the same and consequently, to direct the 5th respondent to erect High Tension Electric Tower in the last south-eastern corner side of the petitioner's land bearing S.No.21/11, situated at Ariyanenthal Village, Paramakudi Taluk, Ramanathapuram District.

For Petitioner

:Mr.R.Murugappan

For Respondents

:Mr.M.Rajarajan

for Mr.S.M.S.Johnny Basha
Standing Counsel



ORDER

(This petition was heard through the Video Conferencing)

This Writ Petition has been filed challenging the order, dated 02.09.2015 passed by the 5th respondent rejecting the request of the petitioner for re-alignment of High Tension Electric Tower situated in the petitioner's land bearing S.No.21/11, situated at Ariyanenthal Village, Paramakudi Taluk, Ramanathapuram District.

2.Heard Mr.R.Murugappan, learned Counsel for the petitioner and Mr.M.Rajarajan, learned Counsel for Mr.S.M.S.Johnny Basha, learned Standing Counsel for the respondents.

3.Admittedly, the High Tension Electric Tower was erected by the respondents in the petitioner's land in the year 2015. The learned Counsel for the respondents, on instructions, would submit that the High Tension Electric Tower was erected in the year 2015 and has become operational and hence, the only remedy available to the petitioner is to seek compensation under Section 16(3) of the Indian Telegraph Act, 1885 before the 2nd respondent. The same has also been stated in the counter affidavit filed by the 5th respondent before this Court. Therefore, this Court is of the considered view that it is not possible for re-alignment of High Tension Electric Tower from its present position in the petitioner's land. Therefore, the relief sought for by the petitioner cannot be granted by this Court.

4.For the foregoing reasons, the Writ Petition is dismissed with liberty to the petitioner to seek compensation from the 2nd respondent under Section 16(3) of the Indian Telegraph Act, 1885. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P & A)

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/ /2020

Sub Assistant Registrar(CS)

Order made in
W.P.(MD)No.16496 of 2015

04.11.2020

CK (CO)

NR (18/11/2020) 2P : 1C