

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

W.P.No.4597 of 2021
and WMP.No.5225 of 2021

Sirajennisa

... Petitioner

..Vs..

1. The Managing Director
Tamil Nadu Transmission Corporation Limited (TANTRANSCO)
Tamil Nadu Electricity Board Limited,
144, Anna Salai,
Chennai 600 002.
2. The Superintending Engineer
Tamil Nadu Transmission Corporation Limited (TANTRANSCO)
General Construction Circle (GCC),
Trichy.
3. The Executive Engineer
Tamil Nadu Transmission Corporation Limited (TANTRANSCO),
TLC Wing, Thanjavur.
4. The Assistant Executive Engineer
Tamil Nadu Transmission Corporation Limited (TANTRANSCO)
TLC Wing, Kumbakonam.
5. The Assistant Engineer,
Tamil Nadu Transmission Corporation Limited (TANTRANSCO)
TLC Wing, Kumbakonam.
6. The Assistant Engineer
TANGEDCO
Mayiladuthurai 609 001.
7. The District Collector
Mayiladuthurai District,
Mayiladuthurai.
8. The Tahsildar,
Taluk Office
Mayiladuthurai Taluk
Mayiladuthurai District.

... Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents herein from entering upon the patta lands of the petitioner measuring an extent of 0.84.00 hectares in Survey No.149/1A, 141/1A1, and 141/1A3 of Arulmozhithevan Village, Mayiladuthurai taluk, Mayiladuthurai District for the purpose of digging, erection of tower line or drawing electric wires in respect of erection of Extension of New EHT supply for 110 KV DC line on DC towers from Nidur to proposed Mayiladuthurai Railway Traction, except by adhering to statutory provisions following due process of law.

For Petitioner : Mr.Arul Murugan

For Respondents: Mr.Abdul Saleem
Standing Counsel for R1 to R6
Mr.D.Venkatesan
Govt.Advocate for R7 & R8

ORDER

The grievance of the petitioner is that without getting an order from the competent authority and without paying the compensation, the respondents are entering into the petitioner's property and attempting to erect the High Tension Tower.

2. Mr.Abdul Saleem, learned Standing Counsel who took notice for the respondents 1 to 6 submitted that they are intending to approach the competent authority as per Sections 10 and 16 of the Indian Telegraph Act, for obtaining necessary permission to enter into the petitioner's property and to erect the High Tension Towers and that until an order is passed by the competent authority, they will not take any coercive steps to enter into the petitioner's property. With regard to compensation, he submitted that the District Collector is the competent authority in this regard and once the District Collector fixes the compensation the same will be paid to the petitioner.

3. In view of the above submissions made by the respondents 1 to 6, the respondents are directed to approach the concerned authority under Section 10 and 16 of the Indian Telegraph Act for necessary permission to erect High Tension Towers in the petitioner's property and to take out necessary application to the District Collector for fixing compensation to be paid to the petitioner within a period of two weeks from the date of receipt of a copy of this order. As and when such application is made the District Collector shall take a decision on the same within a period of three weeks thereafter. Till such time no coercive steps shall be taken by the respondents.

4. With the above direction the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq

1. The Managing Director
Tamil Nadu Transmission Corporation Limited (TANTRANSCO)
Tamil Nadu Electricity Board Limited,
144, Anna Salai,
Chennai 600 002.
2. The Superintending Engineer
Tamil Nadu Transmission Corporation Limited (TANTRANSCO)
General Construction Circle (GCC),
Trichy.
3. The Executive Engineer
Tamil Nadu Transmission Corporation Limited (TANTRANSCO),
TLC Wing, Thanjavur.
4. The Assistant Executive Engineer
Tamil Nadu Transmission Corporation Limited (TANTRANSCO)
TLC Wing, Kumbakonam.
5. The Assistant Engineer,
Tamil Nadu Transmission Corporation Limited (TANTRANSCO)
TLC Wing, Kumbakonam.
6. The Assistant Engineer
TANGEDCO
Mayiladuthurai 609 001.
7. The District Collector
Mayiladuthurai District,
Mayiladuthurai.
8. The Tahsildar,
Taluk Office
Mayiladuthurai Taluk
Mayiladuthurai District.

+1cc to Mr.G.Arul Murugan, Advocate SR.11768
+1cc to Mr.Abdul Saleem, Advocate SR.11813

W.P.No.4597 of 2021