



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6670 of 2020 and
WMP No. 7911 of 2020 and 15111 of 2021

1. B.Bhaskaran
 2. B.Buvaneswari
- Petitioners

Vs.

1. The Collector,
Tiruvannamalai District,
Collectorate Complex, Vengikkal,
Tiruvannamalai.
 2. The Chairman,
Tamil Nadu Electricity Board (TANGEDCO),
No.144, Anna Salai, Chennai-02.
 3. The Chief Engineer, Transmission,
TANGEDCO, No.144 Anna Salai, Chennai-02.
 4. The Superintending Engineer (Civil),
765, K.V.Electrical Transmission Projects,
T.N.Transmission Corporation, Sankarapuram,
Villupuram Distirct.
- ... Respondents.

PRAYER: Writ petition filed under Section 226 of the Constitution of India to issue a writ of Certiorarified Mandamus , calling for the records comprised in communication x.K.vz;. 1/2655/2020, dated 03.01.2020 (but signed on 04.02.2020, wrongly mentioned as 03.01.2020) of the first respondent directing the fourth respondent to consider the petitioner's representation dated 24.01.2020 and quash the same as violative of the provisions of Electricity Act, 2003 and direct the first respondent to conduct an enquiry and pass orders as per the provisions of the Electricity Act, 2003, within the time to be fixed by this court.

For petitioner : Mr.S.R.Sundar

For respondents : Mr.A.Selvendran, Govt. Advocate
for R1
Mr.Jai Venkatesh (TNEB) for R2 & R4
Mr.Abdul Saleem for R3



ORDER

This writ petition has been filed to to issue a writ of Certiorarified Mandamus , calling for the records comprised in communication x.K.vz;. 1/2655/2020, dated 03.01.2020 (but signed on 04.02.2020, wrongly mentioned as 03.01.2020) of the first respondent directing the fourth respondent to consider the petitioner's representation dated 24.01.2020 and quash the same as violative of the provisions of Electricity Act, 2003 and direct the first respondent to conduct an enquiry and pass orders as per the provisions of the Electricity Act, 2003, within the time to be fixed by this court.

2. The contention of the petitioners is that, they are the owners of the property situated at survey No.38, 39, 40/3A and 40/3B1, No.54, Vengunam Village, Vandavasi Taluk, Thiruvannamalai District and they came to know that, for erection of proposed electrical towers, the officials of the Electricity Board had visited the adjacent lands of their property and on enquiry, the officials have shown the exact location of the two proposed towers, adjacent to their lands and also assured that the overhead lines will pass through their lands, at the extreme end and it will not cause any hindrance to them in utilising their lands to its potential. Subsequently, it was informed by the workers that the above location was changed, at the instance of the owners of the said lands. The apprehension of the petitioners is that, if the Board authorities are taken a decision to shift the location of the towers from its original location and the overhead lines will pass diagonally bisecting their lands, the petitioners will put to serious prejudice and their request for permission to establish a petrol bunk and hotel in their lands will not be allowed. Therefore, the petitioners sent a representation dated 24.01.2020 to the first respondent, who is the authority under the provisions of the Electricity Act, 2003, to conduct an enquiry on their objection and requested for direction to the Electricity Board to proceed with the work as per original plan or in the alternative route without causing any prejudice to them. But the first respondent had sent a communication dated 03.02.2020 to the fourth respondent and directed them to consider the petitioner's representation dated 24.01.2020 in accordance with law and send the action report. Challenging the above said communication, this writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that as per Section 12 of the Indian Telegraphic Act and Section 160 of the Tamil Nadu Electricity Board Act, the first respondent is a competent authority to take decision on the representation of the petitioner by conducting enquiry and pass appropriate orders. But the first respondent had sent a



communication dated 03.02.2020 to the fourth respondent to take action and to file action report, which is totally unfair and contrary to the above said provisions of the Act. Therefore, he prayed that appropriate direction may be given to the first respondent to take appropriate decision on the representation given by the petitioner independently, without being accepting the action report from the fourth respondent.

4. The learned counsel appearing for the respondents R2 to R4, on instructions, fairly submitted that the first respondent is a competent authority to decide the petitioner's representation in accordance of the above said Acts and therefore, he prayed that appropriate direction may be given to the first respondent to consider the petitioner's representation and to pass appropriate orders at an earliest.

5. In reply to the above said submissions made by the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents R2 to R4, Mr.A.Selvendran, learned Government Advocate appearing for the first respondent submitted that the first respondent would consider the petitioner's representation in the manner known to law and pass appropriate orders.

6. The main allegation of the petitioner is that, without taking action on the petitioner's representation, the first respondent had sent a communication to the fourth respondent to take action on the representation of the petitioner and to file action report, which is contrary to the provisions of the Indian Telegraphic Act and the Tamil Nadu Electricity Board Act. There is no dispute that, as per Section 12 of the Indian Telegraphic Act and Section 160 of the Tamil Nadu Electricity Board Act, the first respondent has to consider the petitioner's representation.

7. Accordingly, the first respondent is directed to consider the petitioner's representation dated 24.01.2020 and to take independent decision, after providing notice to the petitioner as well as the fourth respondent. The above said exercise shall be completed by the first respondent within a period of four weeks from the date of receipt of a copy of this order. It is to be noted that at the time admission, this court has granted interim injunction as against the respondents and the same shall in force till the final order passed by the first respondent.



WEB COPY

8. With the above directions, this writ petition is disposed of. No costs. Connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Cs-CCC)

//True copy//

Sub Assistant Registrar

mst

To

1. The Collector, Tiruvannamalai District,
Collectorate Complex, Vengikkal, Tiruvannamalai.
2. The Chairman,
Tamil Nadu Electricity Board (TANGEDCO),
No.144, Anna Salai, Chennai-02.
3. The Chief Engineer, Transmission,
TANGEDCO, No.144 Anna Salai, Chennai-02.
4. The Superintending Engineer (Civil),
765, K.V.Electrical Transmission Projects,
T.N.Transmission Corporation, Sankarapuram,
Villupuram Distirct.

+1cc to Mr.K.Moorthy, Advocate SR.No.33385

+1cc to Government Pleader SR.No.33511

W.P.No.6670 of 2020

SRV(CO)
GMY(02/08/2021)