

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.NO.11681 of 2021 and W.M.P.No.12436 of 2021

- 1.Rani
- 2.Ramani
- 3.V.Murali
- 4.R.Vetrivelan
- 5.R.Ramesh

..... Petitioners

Vs

- 1 The Chairman
Tamilnadu Electricity Board No. 800 Anna
Salai Chennai - 600002.
- 2 The Junior Engineer
(West Rural Development) Power Generation and
Distribution Corporation K. G. Kandigai
Tiruttani Taluk, Tiruvallur District.
- 3 The Assistant Engineer
Power Generation and Distribution Corporation
K. G. Kandigai Tiruttani Taluk Tiruvallur
District.
- 4 The Assistant Project Engineer
Power Generation and Distribution
Construction Division Tiruttani.
- 5 The Divisional Engineer
Power Generation and Distribution Tiruttani
Division, Tiruttani.
- 6 The Executive / Supervising Engineer
Power Generation and Distribution
Oli Mohammed Pettai, Kancheepuram. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd Respondent to consider the representation of the Petitioners dated 29.3.2021.

For Petitioner : Mr.G.Madhan Raj

For Respondents : Mr.Abdul Saleem
Standing Counsel

O R D E R

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is for a Writ of Mandamus directing the 2nd Respondent to consider the representation of the Petitioners dated 29.3.2021.

2. The petitioners are having agricultural lands situated at Thadur village, Tiruttani Taluk, Tiruvallur District, where they have 15-20 years grown up mango trees and other fruit bearing trees. According to the petitioners, these agricultural lands are the major source of their livelihood. While that being so, in order to provide agricultural electricity connection to a borewell erected by the neighbouring land owner, the respondent TANGEDCO planned to take the electrical line across the lands belonging to the petitioners.

3. In this regard, despite the objections having been given by the petitioners, it seems that, the respondent TANGEDCO are erecting electrical poles in the middle of the mango trees in the lands belonging to the petitioners and therefore, in this regard, the petitioners, in order to register their objections and to make the TANGEDCO to explore alternative route, which according to the petitioners, is available in the very nearby area, filed a detailed objection by way of a representation dated 29.03.2021 to the respondents herein. However, the said representation since has not been considered and the erection of electrical poles in the objected electrical line is going on, the petitioners have filed this writ petition with the aforesaid prayer.

4. Heard Mr.Madhanraj, learned counsel for the petitioner, who, after having reiterated the aforesaid facts, would seek the indulgence of this Court to give a direction to the respondents to decide the representation given by the petitioners jointly dated 29.03.2021 in accordance with law and pass orders thereon within a time frame that may be stipulated by this Court.

5. Heard Mr.Abdul Saleem, learned Standing Counsel appearing for the respondents, who would submit that, if at all any objection by way of representation as claimed by the petitioners has already been submitted, the same can be treated as objection / complaint within the meaning of Section 17(1) of the Indian Telegraph Act, 1885, and the concerned authority of TANGEDCO can

very well consider the same and a decision can be taken after evaluating the suggestion made by the petitioners to explore the alternative route also, by giving an opportunity of being heard to the petitioners as well as the rival claimants, if any.

6. We have considered the said submissions made by the learned counsel for the parties and have perused the materials placed on record.

7. Since the provisions of the Indian Telegraph Act would also be applicable for the distribution of electricity undertaken by TANGEDCO and in this regard Section 17(1) makes it clear that, if any objection is given by the land owners for erection of electrical poles for the purpose of transmission of electricity for any usage, that kind of objection can very well be considered and decided by the parties concerned and in this regard, further power is also vested with the District Collector / District Magistrate to decide such kind of objection raised in this regard in the event of rejection made in the first attempt by the concerned authority of TANGEDCO.

8. In that view of the matter, this Court is of the view that, the representation given by the petitioners dated 29.03.2021 can very well be considered by the respondents within the meaning of Section 17(1) of the Act. Accordingly, we are inclined to dispose of this writ petition with the following order.

- a) That there shall be a direction to the respondent TANGEDCO to consider the representation of the petitioners dated 29.03.2021 in respect of the aforesaid issue and decide the same, after giving an opportunity of hearing to both the petitioners as well as the other rival claimants and pass final orders thereon within a period of eight weeks from the date of receipt of a copy of this order. In this regard, if the respondents want to make a further inspection of the spot to explore the possibility of alternative route as projected or suggested by the petitioners, that can also be undertaken and thereafter final orders can be passed.
- b) It is further made clear that, if the final orders are passed and if it goes against the petitioner or if the petitioners are aggrieved against such orders to be passed in this regard as directed above, it is open to

the petitioners to agitate further by filing further petition/ objection with the District Collector / District Magistrate in the manner known to law.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

KST

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Power Generation and Distribution
Oli Mohammed Pettai Kancheepuram.
- +1 cc to M/s.B.Govindaraj, Advocate Sr.No. 27155

W.P.No.11681 of 2021

AK(CO)
RMP(17/05/2021)