



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11021 of 2021  
and W.M.P.No. 11674 of 2021

Hosur Small and Tiny Industries Association,  
Represented by its President,  
K.Velmurugan  
CP6, SIPCOT Idustrial complex,  
Phase 2, Hosur 636109  
Krishnagiri District

... Petitioner

-Vs-

1. Tamil Nadu Electricity Board,  
Represented by its Chairman and  
Managing Director,  
Electricity Avenue,  
No.800, Anna Salai,  
Chennai - 600002.
2. Superintending Engineer,  
O/o.Superintending Engineer,  
Salem Main Road, Krishnagiri
3. Executive Engineer,  
O/o. Executive Engineer,  
Operation & Maintenance,  
Tamil Nadu Electricity Board,  
Opp. to ESI Hospital  
SIPCOT, Hosur,  
Krishnagiri -635126
4. Assistant Engineer,  
Operation & Maintenance,  
Tamil Nadu Electricity Board,  
Opp. To ESI Hospital  
SIPCOT, Hosur,  
Krishnagiri -635126
5. Project Officer,  
Project Office,  
State Industries Promotion Corporation  
of Tamilnadu Ltd.  
Hosur -635126.

... Respondents



Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, Directing the 2<sup>nd</sup> respondent to consider and take appropriate action on the representation of the petitioner dated 20.03.2021

WEB COPY

For Petitioners : M/S. M.D.Thirunavukkarasu

For Respondents : Mr. S.Madhusudanan  
Standing Counsel

#### O R D E R

This writ petition has been filed for issue of writ of mandamus directing the 2<sup>nd</sup> respondent to act upon the representation made by the petitioner Association on 20.03.2021 wherein the petitioner Association have submitted their objection for raising of a high voltage tower which according to the petitioner will block the entrance to their building.

2.The case of the petitioner is that the Association consists of nearly 1094 members who are running Mirco, Small, Medium and Tiny Enterprises at Hosur. The further case of the petitioner is that the SIPCOT had allotted the plot and the persons belonging to the Association had also entered into a lease deed and they have been given approval for construction of building in the said plot, thereafter, they are carrying on with their business.

3.The grievance of the petitioner is that during March, 2021, the employees belonging to the Electricity Board started digging the road and when enquired, it was informed that they are planning to erect over head high voltage tower in front of the building. According to the petitioner, if such a tower is erected, it will completely block the entrance of the building belonging to the petitioner. Hence, the representation was made to the 2<sup>nd</sup> respondent on 20.03.2021 in this regard. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

4.When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the respondents 1 to 4 circulated two letters dated 06.07.2021 and 22.07.2021. The learned counsel submitted that both the letters were addressed to the petitioner and the petitioner was explained about the importance of the erection of the towers. The learned counsel submitted that till date already four towers have been erected and stringing of the line has also been completed and there is only one tower that has to be erected and due to the objections given by the petitioner, the same has been stalled.



Thereafter, the request made by the petitioner was also considered and the petitioner was informed by letter dated 22.07.2021 that the request for the alternate plan is not feasible since most of the work has already been completed.

WEB COPY

5.The learned counsel for the petitioner submitted that the Association is not against the respondents going ahead with the erection of towers since by erecting such towers it will only benefit the industries in Hosur. The learned counsel submitted that the tower will block the entrance of the building and it will prevent the members from accessing the building. Therefore, the learned counsel submitted that the respondents can consider giving sufficient space to the petitioner to access the building and they can proceed further with the erection of the tower.

6.In the considered view of this Court, the request made by the petitioner was considered by the respondents. According to the respondents, there is no scope for any deviation of the route at this point of time since major work has been completed. The further stand taken by the respondents is that the erection of tower will not in any way cause hindrance to the petitioner association and it will not cause any threat to human lives.

7.In view of such stand taken by the respondents, this Court exercising its jurisdiction under Article 226 of the Constitution of India cannot really enter into factual disputes. Considering the request made by the petitioner, it is left open to the 2<sup>nd</sup> respondent to proceed further with the erection of the tower by providing sufficient space for the Members of the petitioner Association to access the building. Except giving this clarity, no further orders can be passed in this writ petition.

8.This writ petition is disposed of with the above direction. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr

To

1. Tamil Nadu Electricity Board,  
Represented by its Chairman and  
Managing Director,  
Electricity Avenue,  
No.800, Anna Salai,  
Chennai - 600002.



2. Superintending Engineer,  
O/o. Superintending Engineer,  
Salem Main Road,  
Krishnagiri

3. Executive Engineer,  
O/o. Executive Engineer,  
Operation & Maintenance,  
Tamil Nadu Electricity Board,  
Opp. to ESI Hospital  
SIPCOT, Hosur,  
Krishnagiri -635126

4. Assistant Engineer,  
Operation & Maintenance,  
Tamil Nadu Electricity Board,  
Opp. To ESI Hospital  
SIPCOT, Hosur,  
Krishnagiri -635126

5. Project Officer,  
Project Office,  
State Industries Promotion Corporation  
of Tamilnadu Ltd.  
Hosur -635126.

+1 cc to Mr.D.Thirunvukkarasu, Advocate Sr.NO.51493

+1 cc to Mr.S.Madhusudanan, Advocate Sr.NO. 51127

W.P.No.11021 of 2021  
and W.M.P.No. 11674 of 2021

SVI (CO)  
A.SK(26.10.2021)