



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14151 of 2021 and
WMP No.15028 of 2021

N.Sivakumar

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board, (TNEB),
Anna Salai, Chennai 600 002.
2. The Chairman,
Tamilnadu Transmission Corporation Limited
(TANTRANSC), No.144, Anna Salai,
Chennai 600 002.
3. The District Collector,
Thiruvannamalai District,
Thiruvannamalai 606 604.
4. The Executive Engineer,
Transmission Line Construction,
Avadi Road, Karayanchavadi, Poonamallee,
Thiruvallur District 600 056.
5. Superintending Engineer,
Transmission Line Construction,
Guindy, Chennai 600 015.

... Respondents

PRAYER: Writ petition filed under Section 226 of the Constitution of India to issue a writ or direction in the nature of Writ of Prohibition, prohibiting the respondents herein from entering into the petitioner's punjai patta lands and erecting transmission in survey No.66/B1, 66/B2A, 69, 70/1, 70/2 in Seleri Village, Vembakkam Taluk, Tiruvannamalai District without following the due process of law as well as principles of natural justice.

For petitioner	: Mr.S.T.Bharath Gowtham Mr.C.V.Vijayakumar
For respondents	: Mr.M.Vijay Mehnath (TNEB) for R1, R2, R4 and R5 Mr.A.Selvendran, Gov. Advocate for R3.



JUDGMENT

This writ petition has been filed to issue writ or direction in the nature of Writ of Prohibition, prohibiting the respondents herein from entering into the petitioner's punjai patta lands and erecting transmission in survey No.66/B1, 66/B2A, 69, 70/1, 70/2 in Seleri Village, Vembakkam Taluk, Tiruvannamalai District without following the due process of law as well as principles of natural justice.

2. The contention of the petitioner is that he is the owner of the Punjai land in Survey No.66/B1, 66/B2A, 69, 70/1, 70/2 in Seleri Village, Vembakkam Taluk, Tiruvannamalai District to a total extent of 5.08 acres and in that property he made a social forest having teak trees, coconut trees and palm trees numbering about 400 trees along with fruit bearing trees like Mango and guava. The further contention of the petitioner is that the entire extent of the property is a mini-forest facilitating regular rainfall to the village as well as to the surrounding villages and the trees supply oxygen to the atmosphere also. Now the respondent Board are taking action to erect and install the transmission line posts in the middle of the lands, by cutting of trees and though he had given objection to the 5th respondent, they have not given any reply, but taking emergent steps to erect and install the transmission line post in the middle of the land by cutting of trees. Hence the writ petition.

3. The learned counsel appearing for the Tamil Nadu Electricity Board would submit that the petitioner has made a representation before the third respondent namely the District Collector, Tiruvannamalai District and the above said objection is still pending. He further submitted that unless the above objection filed by the petitioner is considered by the third respondent and reached finality, the respondent Board would not in a position to proceed for erection of transmission line post. Therefore, he prayed for direction to the third respondent to pass final order on the objection filed by the petitioner at an earliest, otherwise, the entire project will be stalled.

4. Considering the contentions of the petitioner and also the submission of the learned counsel appearing for the Tamil Nadu Electricity Board, this court directs the third respondent to consider the objection filed by the petitioner, and pass final order on merits, after giving notice to both the parties, as early as possible, within a period of eight weeks from the date of receipt of a copy of this order. The respondent Board shall not interfere with the petitioner's possession in the property, till the final order passed by the third respondent.



5. With the above observation, the writ petition is disposed of. No costs. Connected writ miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Chairman,
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Anna Salai, Chennai 600 002.
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Tamilnadu Transmission Corporation Limited
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Thiruvallur District 600 056.
5. Superintending Engineer,
Transmission Line Construction,
Guindy, Chennai 600 015.

+1CC to M/s.C.V.Vijayakumar, Advocate, Sr.No.32226
+1CC to the Government Pleader, Sr.No.32579
+1CC to Mr.Vijayamehanath, Advocate, Sr.No.32126

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CP (CO)
K.RK. (02.08.2021)