



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.21130 of 2021
and WMP No.22404 of 2021

M/s.Cetex Petrochemicals Limited
Represented by its Executive Director (operation)
S.Gowthaman
Sathangadu Village, Manali
Chennai 600 068. .. Petitioner

Vs

- 1.The Collector of Chennai
Rajaji Salai, Fourth Floor,
62 Beach Road, George Town
Chennai, Tamil Nadu 600 001.
- 2.The Chief Engineer (Transmission/Civil)
Tamil Nadu Transmission Corporation Limited
Tamil Nadu Electricity Board,
Anna Salai, Chennai 600 002.
- 3.The Superintending Engineer,
Operation-I, Chennai
Tamil Nadu Transmission Corporation Limited,
Tamil Nadu Electricity Board,
Koratur 230 KV SS campus
Chennai 600 080
- 4.The Executive Engineer (Civil/TLC)
Transmission Line Construction,
Tamil Nadu Transmission Corporation limited
Tamil Nadu Electricity Board
A10 Thiru Vi.Ka-Industrial Estate,
Guindy, Chennai 32 ..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the District Collector 1st respondent herein in Rc.No.J12/15221/2019 dated 27.07.2021 to direct the respondents 2, 4 and to furnish documents to the petitioner.

For Petitioner : Mr.Adeesh Anto
For Respondents : Mr.A.Selvendran for R1
Government Advocate
Mr.S.Madhusudhanan for R2 to R4
Standing counsel



ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents 2 to 4 to furnish the copy of the petition and the documents that were submitted before the first respondent in order to enable the petitioner to effectively participate in the enquiry that is under way before the first respondent.

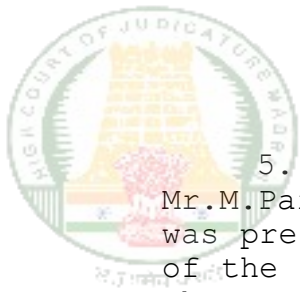
2. Heard the learned counsel for the petitioner, learned Government Advocate appearing on behalf of the first respondent and the learned standing counsel appearing on behalf of the respondents 2 to 4.

3. The issue involved in the present writ petition has been dealt with in detail when the earlier writ petition was filed in W.P.No.4718 of 2021 before this Court by the petitioner challenging the impugned proceedings of the first respondent under Section 16(1) of the Indian Telegraph Act. The writ petition was allowed by an order dated 17.03.2021 and the directions issued by this Court are extracted hereunder:

"33. For the foregoing reason, this Court is of the considered view that since the procedure has not been followed, the impugned order passed by the fourth respondent under Section 16(1) of the Indian Telegraph Act, 1885 has to be necessarily quashed and the matter remanded back to the fourth respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner and after giving due consideration to the objections raised by the petitioner.

34. In the result, the impugned order dated 31.01.2020 passed by the fourth respondent is hereby quashed and the matter is remanded back to the fourth respondent for fresh consideration and the fourth respondent shall pass final orders on merits and in accordance with law after giving due consideration to the objections raised by the petitioner and also after granting the petitioner a right of personal hearing within a period of twelve weeks from the date of receipt of a copy of this order."

4. Pursuant to the above order, the first respondent has issued a notice to the petitioner to attend the enquiry. The petitioner was making repeated representations seeking for a copy of the petition and the materials relied upon by the respondents 2 to 4 before the first respondent. Since the same was not furnished to the petitioner, the present writ petition has been filed before this Court.



5. When the matter was taken up for hearing, Mr.M.Parthiban, Assistant Electrical Engineer, TLC, Ambattur, was present. The learned standing counsel appearing on behalf of the respondents 2 to 4 took instructions from the official, who was present before this Court. He submitted that all the materials have been furnished to the petitioner. However, on the insistence made by this Court, the learned standing counsel submitted that a copy of the petition along with all materials relied upon by the respondents 2 to 4 will be furnished to the petitioner within two days from today.

6. Recording the submission made by the learned standing counsel appearing on behalf of the respondents 2 to 4, this Writ Petition is disposed of with a direction to the respondents 2 to 4 to furnish a copy of the petition and materials relied upon to the petitioner within a period of two days from today. On receipt of the same, the petitioner shall give their response before the first respondent within a period of four weeks thereafter. The first respondent, on receipt of the same, shall conduct the enquiry and pass appropriate orders strictly in accordance with law and in line with the earlier orders passed by this Court in W.P.No.4718 of 2021 dated 17.03.2021.

7. This writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

RR

To

1.The Collector of Chennai

Rajaji Salai, Fourth Floor, 62 Beach Road,
George Town, Chennai,
Tamil Nadu 600 001.

2.The Chief Engineer (Transmission/Civil)

Tamil Nadu Transmission Corporation Limited
Tamil Nadu Electricity Board,
Anna Salai, Chennai 600 002.

3.The Superintending Engineer,
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Tamil Nadu Transmission Corporation Limited,
Tamil Nadu Electricity Board,
Koratur 230 KV SS campus
Chennai 600 080.



4.The Executive Engineer (Civil/TLC)
Transmission Line Construction,
Tamil Nadu Transmission Corporation limited
Tamil Nadu Electricity Board
A10 Thiru Vi.Ka-Industrial Estate,
Guindy, Chennai 32.

+ 1 cc to Government Pleader Sr.51304

+ 1 cc to Mr.S. Madhusudanan, Advocate Sr.51128

+ 1 cc to Mr. Adeesh Anto, Advocate SR.50659

W.P.No.21130 of 2021

RSI (CO)
EU 01.10.2021