



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No.22861 of 2021
and WMP Nos.24076 and 24078 of 2021

P.Maddhaiyan

.. Petitioner

Vs

1.The District Collector,
Office of the District Collector's Compound,
Salem District.

2.The Executive Engineer,
Transmission Line Constructions,
TANTRANSCO/TNEB
Salem District.

3.The Assistant Executive Engineer,
Transmission Line Constructions
TANTRANSCO/TNEB, Mettur
Salem District.

4.The Superintending Engineer,
General Construction Division,
TANTRANSCO/TNEB,
Salem.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent dated 07.10.2021 in letter No.EE/Transmission Line-cum-Construction/Salem Division. Thoppur 110 KV Elec Line/A.No.65/2020-21 and quash the same as illegal and unconstitutional and consequently forbearing the 3rd respondent from erecting the double wave electric tower, one round electric line route in the middle of the petitioner's property bearing S.No.97/1A, Sekkarapatti Village, Kaadayampatti Village, Salem District.

For Petitioner : Mr.P.Vasudevan

For Respondents: Mr.U.Baranidharan for R1
Government counsel
Mr.S.Madhusudhanan for R2 to R4
standing counsel



ORDER

This writ petition has been filed challenging the impugned letter issued by the third respondent dated 07.10.2021 and for a consequential direction forbearing the third respondent from erecting the tower in the subject property.

2. Heard the learned counsel for the petitioner, the learned Government counsel for the first respondent and the learned standing counsel for the respondents 2 to 4.

3. It is seen from the records that the TANTRANSCO is in the process of drawing a power line. While so, the third respondent attempted to put up a tower in the property belonging to the petitioner. According to the petitioner, the tower is proposed to be erected right in the middle of his property. Therefore, the petitioner made his objections. In view of the objections made by the petitioner, the third respondent approached the first respondent seeking for permission to enter upon the property. The first respondent conducted the hearing on 21.08.2021 and during the course of hearing, he had taken statements from the petitioner as well as from the officials belonging to the TANTRANSCO.

4. The grievance of the petitioner is that even before the orders were passed by the first respondent, the third respondent has proceeded to issue the impugned letter dated 07.10.2021 and thereby is preventing the petitioner from using his own property. According to the petitioner, the impugned letter suffers from illegality and had virtually taken away the right of the petitioner in his own property. This process was resorted to by the third respondent, even when the first respondent is yet to pass orders based on the application submitted by the third respondent. Aggrieved by the same, the present writ petition has been filed.

5. In the considered view of this Court, the respondents 2 to 4 did not have the right to stop the petitioner from using his own property. Already an application was filed before the first respondent seeking for permission to enter upon the property. The enquiry has been conducted by the first respondent and orders are yet to be passed. In view of the same, the respondents 2 to 4 will have to necessarily await for the orders to be passed by the first respondent and till then, they cannot stop the petitioner from using the property or issue letters directing the petitioner not to use the property in the manner in which the petitioner wants to. Such a right has not been vested with the respondents 2 to 4.

6. In view of the above discussion, the impugned letter dated 07.10.2021 issued by the third respondent is hereby quashed. The respondents 2 to 4 shall await the orders



of the first respondent and till then, they shall not interfere with the property belonging to the petitioner. This writ petition is disposed of accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

RR

To

- 1.The District Collector,
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Salem District.
- 2.The Executive Engineer,
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TANTRANSCO/TNEB
Salem District.
- 3.The Assistant Executive Engineer,
Transmission Line Constructions
TANTRANSCO/TNEB, Mettur
Salem District.
- 4.The Superintending Engineer,
General Construction Division,
TANTRANSCO/TNEB,
Salem.

+1cc to Mr.P.Vasudevan, Advocate SR.No.54473

+1cc to Mr.S.Madhusudhanan, Advocate SR.No.54495

+1cc to Government Pleader SR.No.55098

W.P.No.22861 of 2021

PCH(CO)
GMY(15/11/2021)