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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.20983 OF 2017

AND

W.M.P.NOS.21869 & 21870 OF 2017

J.Sharmilabanu

... Petitioner

Versus

1. The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer,
Tamil Nadu Transmission Corporation,
Mannarpuram, Trichy - 620 020.
3. The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation,
No.182, Doctor Subbarayan Salai,
Tatabad, Coimbatore - 641 012.
4. The District Collector,
Palladam Road,
Tiruppur - 641 601,
Tiruppur District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records of order dated 17.07.2017 vide proceedings in Na.Ka.No.2492/2017/Uu4 on the file of the 4th respondent and quash the same and to direct the 3rd respondent to relocate the tower location No.40 in accordance with notification dated 09.10.2015.



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For Petitioner : M/s.K.Myilsamy
For R1 to R3 : Mr.S.Madhusudanan
Standing Counsel
For R4 : Mrs.C.Meera Arumugam
Additional Government Pleader

O R D E R

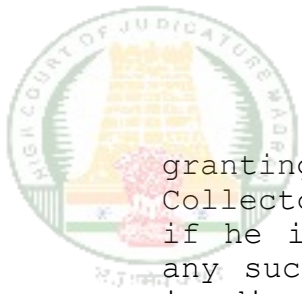
This Writ Petition has been filed by the petitioner, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records of order dated 17.07.2017 vide proceedings in Na.Ka.No.2492/2017/Uu4 on the file of the 4th respondent and quash the same and to direct the 3rd respondent to relocate the tower location No.40 in accordance with notification dated 09.10.2015.

2. Mr.K.Myilsamy, learned counsel appearing for the petitioner submits that the respondents erected high electric towers without following procedures. The specific allegation raised by the petitioner is that the respondent has not issued any notification notifying the petitioner's agricultural land and village where the electrical towers were proposed to be erected. Therefore, challenging the erection of the electric towers in his agricultural land, the writ petitioner has approached this Court for appropriate direction.

3. Per contra, the learned Standing Counsel appearing for the respondents submits that while publishing the notification in the newspaper, it has been mentioned that the list of villages is only a tentative and the number of villages would vary, which were not listed in the notification.

4. In reply, the learned counsel appearing for the petitioner submit that since now the erection has been completed, the petitioner is entitled to file an application before the appellate authority to shift the electric towers. Therefore, he seeks the permission of this Court to withdraw this writ petition and to approach the appellate authority.

5. In view of the submissions now made by the learned counsel appearing on behalf of the petitioner as well as the respondents, this Writ Petition is dismissed as withdrawn by



granting liberty to the petitioner to approach the District Collector, Tiruppur District to make an appropriate application, if he is so advised, for shifting the high electric tower. If any such application is filed, the District Collector, Tiruppur is directed to consider and dispose of the same in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sp

To

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4. The District Collector,
Palladam Road,
Tiruppur - 641 601,
Tiruppur District.

+1cc to Mr.S.Madhusudanan, Advocate, S.R.No.68102
+1cc to M/s.K.Myilsamy, Advocate, S.R.No.67865
+1cc to the Government Pleader, S.R.No.68335

W.P.No.20983 of 2017

SRA (CO)
PM/11/01/2022