

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2021

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

W.P.No. 25635 of 2017

and

W.M.P.No. 27026 of 2017

V.P.Selvam,
S/o.Late V.Perumal

... Petitioner

Vs

1. The Additional Director,
Tamil Nadu Electricity Board (High Tension)
Anna Salai, Chennai - 600 002.
2. The Additional Director,
Tamil Nadu Electricity Board (High Tension)
Guindy, Chennai - 600 002.
3. The District Collector,
Thiruvallore District.
(R3 impleaded as per order made
in W.M.P. No. 35398 of 2017 dated 21.01.2021) ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the 2nd respondent from erecting the tower in Survey Nos.62/2B, 0.30 Acres in Survey No.62/3A, 2.26 Acres in Survey No.88/1A3 and 1.00 Acres in Survey No.88/1B in Neduncherry Village, No.65, Poonamallee Circle, Thiruvallore District measuring a total extent of 8.06 Acres.

For Petitioner : Mr.J.R.Prabhakaran
For R1 & R2 : Mr.M.Vijayamehanath
For R3 : Mr.N.Inbanathan
Additional Government Pleader

ORDER

The Petitioner has filed this writ petition, seeking for issuance of a Writ of Mandamus, forbearing the 2nd respondent from erecting the tower in Survey Nos.62/2B, 0.30 Acres in Survey No.62/3A, 2.26 Acres in Survey No.88/1A3 and 1.00 Acres in Survey No.88/1B in Neduncherry Village, No.65, Poonamallee Circle, Thiruvallore District measuring a total extent of 8.06 Acres.

2. As no adverse orders are proposed to be passed against

any of the respondent, this writ petition is disposed by directing the 3rd respondent, who has been impleaded now to pass appropriate orders under Section 10 of the Electricity Act, 2003. The learned counsel for the 1st & 2nd respondents also submitted that an application also has been filed to that effect on 10.11.2020 before the 3rd respondent. The 3rd respondent is therefore directed to pass appropriate orders after hearing the petitioner in the application filed by the 1st & 2nd respondents on 10.11.2020 under Section 10 of the Electricity Act, 2003.

3. Since there has been a order of stay during the pendency of the writ petition no further activity shall be carried out by the 1st & 2nd respondents, pending such orders to be passed by the 3rd respondent under the aforesaid Act. The 3rd respondent shall pass appropriate orders within a period of 3 months after following the Principles of Natural Justice. This Writ Petition stands disposed of with the above observations. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Additional Director,
Tamil Nadu Electricity Board (High Tension)
Anna Salai, Chennai - 600 002.
2. The Additional Director,
Tamil Nadu Electricity Board (High Tension)
Guindy, Chennai - 600 002.
3. The District Collector,
Thiruvallore District.

+1cc to Mr.J.R.Prabakaran, Advocate, S.R.No.3534.

+1cc to the Government Pleader, S.R.No. 3576.

W.P.No. 25635 of 2017
and

W.M.P.No. 27026 of 2017

GP(CO)
NRA(24/02/2021)