

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.02.2021
CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.35908 of 2019
and
WMP.Nos.36827 & 36828 of 2019

S.Sundaram

..Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by The Principal Secretary to Government,
Department of Energy,
Government of Tamil nadu,
Fort St. George,
Chennai-600 009.
- 2.The Chairman,
TANTRANSCO,
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai.
- 3.The Chief Engineer,
Civil Transmission,
TANTRANSCO,
144, Anna Salai,
Chennai-600 002.
- 4.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation,
Krishnagiri.
- 5.The District Collector,
Krishnagiri District,
Krishnagiri.

..Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records and to quash the proceedings in vide memo No.CE/C/TR/SF/CII/TR/EEC/A3/F.Profile/D/862/18 dated 26.10.2018 on the file of the third respondent granting approval of erection of Over Head 110 KV DC line on DC Towers with panther conductor for making LILO of the Hosur-Zuzuvadi-Bagalur 110 KV feeder at proposed Sevaganapalli 110 KV SS being violative of Article 14 of the Constitution of India and in breach of the order passed by the Division Bench of this Court

Madurai Bench and consequently, direct the respondents 1 to 4 to approve and erect underground DC Lines with panther conductor for making LILO of the Hosur-Zuzuvadi-Bagalur 110 KV feeder at proposed Sevaganapalli 110 KV SS.

For Petitioner : Ms.K.Jayasudha

For Respondent : Mr.M.Elumalai, AGP
Nos.1 & 5

For Respondent-3: Mr.Abdul Saleem

O R D E R

This Writ Petition has been filed as against the order of the technical approval issued by the third respondent for erection of Over Head 110 KV DC line on DC Towers with panther conductor for making Line In and Line Out (LILO) of the Hosur-Zuzuvadi-Bagalur, 110 KV feeder at proposed Sevaganapalli.

2. When the matter is taken up for hearing, the learned counsel for the second respondent by referring to the affidavit filed by the petitioner, raised a plea that this petitioner is not having any locus-standi to maintain this Writ Petition.

3. At this juncture, it would be appropriate for this Court to extract paragraph 6 of the petitioner's affidavit which reads as follows:-

"It is humbly submitted that the petitioner has title interest in a piece of vacant land situated at Sevaganapalli Village. It is further submitted that though the petitioner is not directly prejudiced as the proposed Over Head High Tension DC Tower and DC Wire doesn't pass through the petitioner's property, the petitioner is indirectly prejudiced by the proposed Over Head High Tension DC Tower and DC Wires."

4. Admittedly, it is seen from the petitioner's affidavit that the proposed Over Head High Tension DC Tower and DC Wires is not passing through the petitioner's property. However, the petitioner has filed this petition stating that he is indirectly prejudiced by the proposed Over Head High Tension DC Tower and DC Wires.

5. Ms.K.Jayasudha, learned counsel for the petitioner by referring to the impugned order dated 26.10.2018 submits that technical approval has been granted on the following terms:-

"I. A minimum ground clearance of 6.10 m must be ensured throughout the length of the line. Sufficient vertical clearance for cart track, road crossing and National Highways to be ensured as per Memo No. CE/C/TR/SE/C-II/TR/EEC/A3/F, Clearance/ D.222/2014 dated 28.04.2014.

II. A minimum required horizontal clearance of 12.20m for trees on either side must be ensured throughout the line.

III. Care shall be taken regarding the type of foundation (Dry/Wet) depending on the actual site conditions.

IV. A minimum vertical clearance of 2.75 must be ensured between the existing LT/HT and 110 KV Lines."

but the towers are laid without following the technical approval. But the learned counsel has not substantiated his case as to how these technical approval has been violated by the respondents when these towers are not passing through his property. If the petitioner is aggrieved, he has to approach this Court by way of filing Public Interest Litigation. In view of the same, the Writ Petition is liable to be dismissed.

6. It is made clear that as on date, the petitioner has not made out a case that the conditions stipulated in the technical approval has been violated. As and when, if there is any violation, he is at liberty to point out the violation based on these technical approval to the third respondent and if the same is not rectified, it is always open to the petitioner to file a fresh petition before this Court.

7. With the above observations, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
State of Tamil Nadu
Department of Energy,
Government of Tamil nadu,
Fort St. George,
Chennai-600 009.

2.The Chairman,
TANTRANSCO,
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai.

3.The Chief Engineer,
Civil Transmission,
TANTRANSCO,
144, Anna Salai,
Chennai-600 002.

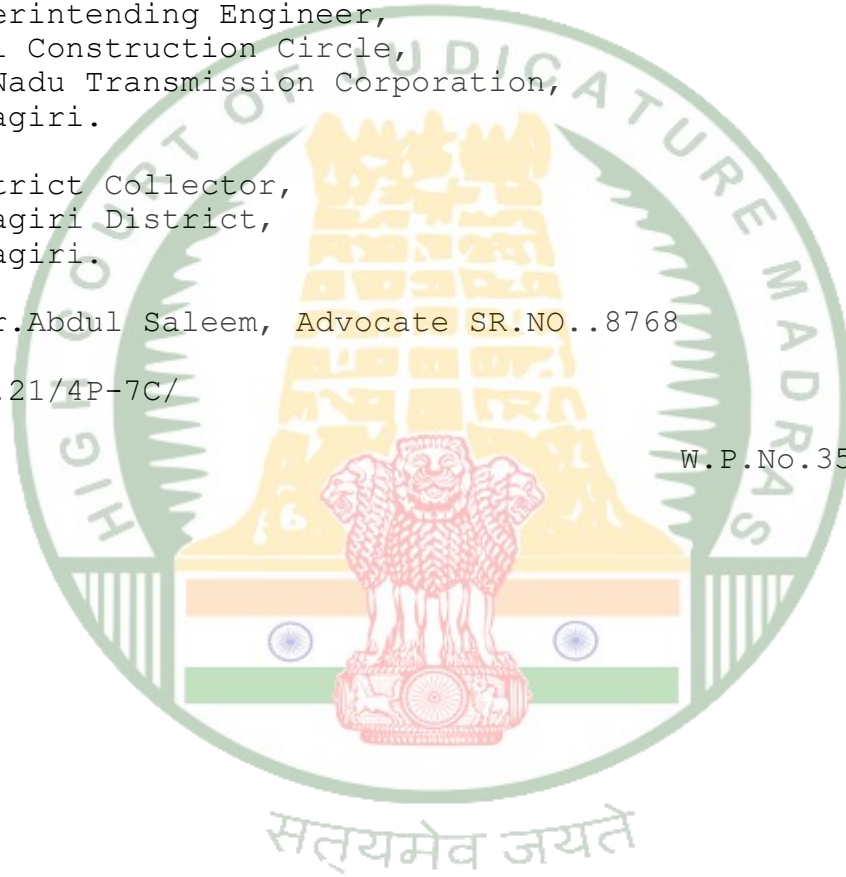
4.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation,
Krishnagiri.

5.The District Collector,
Krishnagiri District,
Krishnagiri.

+1cc to Mr.Abdul Saleem, Advocate SR.NO..8768

AKM/09.03.21/4P-7C/

W.P.No.35908 of 2019
12.02.2021



WEB COPY