



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1677 of 2021

and

W.M.P. (MD)No.1425 of 2021

K.Mahalakshmi

... Petitioner

Vs.

1.The District Collector,
District Collectorate Office,
Dindigul - 624004.

2.Tamilnadu Generation and Distribution Corporation Ltd.,
Rep. by its Chairman,
10th Floor, NPKRR Maaligai,
No.144, Anna Salai, Chennai -2.

3.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Tamilnadu Generation and Distribution Corporation Ltd.,
Meenachinayakkanpatti,
Dindigul - 624 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 3rd respondent their men, officers, representatives from in any manner erecting HT Tower Line in the petitioner's agricultural land bearing S.F.No.480/1A and 480/2A, Sullerumbu Village, Dindigul District or draw high voltage electrical lines over them without following the provisions of the Electricity Act, 2003 and the Indian Telegraphic Act, 1885.

For Petitioner : Mr.Pandiyaraj.R.S

For Respondents : Mr.B.Bhagavathi,

Government Advocate for R1.

Mrs.M.Parameswari,

For Mr.S.M.S.Johnny Basha for F2 & R3.

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate for the first respondent and the learned standing counsel for the second and third respondents.

2.The petitioner claims to be the owner of the petition mentioned property. The petitioner's grievance is that the respondents 2 and 3 are attempting to draw high voltage electric lines over her land without following the statutory provisions. He would further state that already a high tension line is running



across her land. In this regard, the petitioner had given representation dated 26.11.2020. The stand of the petitioner's counsel is that when the petitioner resists the attempt of the TANGEDCO officials to enter her land, the licensee is bound to obtain permission from the District Collector under Section 16 of the Telegraph Act. Till such permission is granted, the authorities cannot enter the petitioner's land. I therefore direct the first respondent to dispose of the petition mentioned representation on merits and in accordance with law. The first respondent is obliged to hear the petitioner before passing any final order and till such order is passed, the second and third respondents are restrained from entering the petitioner's land.

3.The writ petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The District Collector,
District Collectorate Office, Dindigul - 624004.
- 2.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Tamilnadu Generation and Distribution Corporation Ltd.,
Meenachinayakkanpatti, Dindigul - 624 004.
- 3.The Chairman
Tamilnadu Generation and Distribution Corporation Ltd.,
10th Floor, NPKRR Maaligai,
No.144, Anna Salai, Chennai -2.

+1 CC to M/s.R.S.PANDIYARAJ, Advocate (SR-2768[F] dated 02/02/2021)

+1 CC to M/s.SPL GP (SR-3072[F] dated 03/02/2021)

W.P (MD) No.1677 of 2021
02.02.2021

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