



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.A. (MD)No.960 of 2020 and
C.M.P. (MD) No.5227 of 2020

M.Seetharaman

...Appellant/Petitioner

Vs.

1.The District Collector

Tuticorin-628 101, Tuticorin District

2.The Deputy Tahsildar,

Ottapidaram 628 213, Tuticorin District.

3.M/s.Vestas Wind Technology India private Ltd.,

No.3/370, Old No.148, Rajiv Gandhi Salai,
Thuraipakkam, Chennai-96.

4.M/s.Vivid Solaire Energy Private Limited,

Rep. by its Authorised Signatory,Raju Parmer,
1st Floor, Orchid Centre, Gold Course Road,
Sector 53, Gurugram 122 022
Haryana.

...Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P. (MD) No.23921/2019 dated 15.09.2020.

Prayer in WP(MD). 23921/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondents 1 to 3 to remove the unlawful erection of 6 electricity transmission poles in petitioner's agriculture land in Survey No.159,in Silankulam Village, Ottapitaram Taluk, Tuticorin District.

For Appellant : Mr.K.Chinraj

For Respondents : Mrs.J.Padmavathi Devi

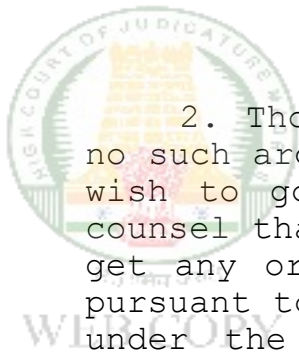
Special Government Pleader for RR1&2

Mr.B.Saravanan for R4

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellant aggrieved over the order of the learned single Judge, who graciously made the fourth respondent to part with a sum of Rs.1,20,000/-, while giving liberty to the appellant to approach the jurisdictional Court.



2. Though the learned counsel for the appellant submitted that no such argument was made before the learned single Judge, we do not wish to go into the same. Upon being pointed out to the learned counsel that even consent order is not there, the appellant will not get any order against the private respondent, who did the work in pursuant to the scheme framed and in exercise of the power conferred under the Indian Telegraphic Act 1885 vis-a-vis the Tamil Nadu Electricity Act.

3. The learned counsel for the appellant thereafter submitted that the civil Court may be directed to expedite the process.

4. As stated, the writ petition itself is not maintainable. Even under the Indian Telegraphic Act, there is a scheme provided for payment of compensation. However, we do not wish to interfere with the order passed, as it is one of consent. Inasmuch as the time granted by the learned Single Judge got expired, we grant another eight weeks to the appellant to file a civil suit. As and when the civil suit is filed and take on file, the jurisdictional Court is expected to expedite the process of hearing.

5. The writ appeal stands disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

To

1.The District Collector,
Tuticorin, Tuticorin District.

2.The Deputy Tahsildar,
Ottapidaram-628 213, Tuticorin District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-8709[F] dated 04/03/2021)
+1 CC to Mr.B.SARAVANAN, Advocate (SR-8697[F] dated 04/03/2021)

Order made in
W.A. (MD)No.960 of 2020 and
C.M.P. (MD) No.5227 of 2020
03.03.2021

SSS (CO)

SRS (18/03/2021) 2P : 5C

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