



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.14932 of 2020 and

WMP (MD)No.12564 of 2020

S.Sangeetha

Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Chief Manager,
Power Grid Corporation,
400/230, KV Substation,
K.Paramathi (Po),
Karur District.

3.The Chairman/Managing Director,
Tamil Nadu General and
Distribution Corporation Limited,
10th Floor,
NPKRR Maligai,
No.144, Anna Salai,
Chennai - 2.

4.Spring Renewable Energy Pvt Ltd,
#001 Level G.Pentagon P.S.
Magarpatta City,
Hadapsar, Pune - 411 013.
Rep by its Managing Director.

5.M/s.KS Wind & Renewables India Private Ltd,
Rep by its Operation Head Mr.P.Kumar
Having its Corporation Office at
D.No.40, Visalakshi Street,
Aiswarya Garden, Goparasanallur,
Poonamelle,
Chennai - 600 056.

Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 1st respondent granting permission or license to the respondents 4 and 5 from erecting high tension electric tower in Survey No.84/B1, to an



extent of 2 Acre 86.5 cents, Survey No.84/A to an extent of 82 cents and Survey No.84/B2 to an extent of 72 cents, situated at Nedungur Village, Pugalur Taluk, Karur District without disposing the representation of the petitioner dated 01.09.2020 and without giving opportunity to the petitioner.

For Petitioner : Mr.M.A.Gowthaman for
Mr.G.Mohanakrishnan
For R1 : Mrs.Rajeshwari,
Government Advocate
For R2 : M/s.Iyer & Dolia
For R3 : M/s.M.Parameshwari for
Mr.S.M.S.Johny Basha
Standing Counsel
For R4 : Mr.Sathish parasaran Senior Counsel
for Mr.Dwarakesh Prabhakaran
For R5 : Ms.Kanimozhimathi

O R D E R

Heard the learned counsel for the Writ Petitioner and the learned Government Advocate for the first respondent and the learned Senior counsel for the private respondents.

2.The prayer in the Writ Petition is for forbearing the District Collector, Karur, from granting permission/ license to the respondents 4 and 5 from erecting high tension electric tower in the petition mentioned lands. The Writ Petition was filed on 07.10.2020. No interim order was granted by this Court. During the pendency of the Writ Petition, the first respondent has passed an order dated 25.01.2021, under Section 16 of Indian Telegraph Act, 1885. Copy of the order has been enclosed in the typed set filed by the fourth respondent dated 28.01.2021, Page Nos.48 to 52.

3.The learned Senior counsel for the fourth respondent would point out that the Writ Petitioner had purchased the property from one Meenakshiammal.

4. It is true that she filed W.P(MD) No.22455 of 2019, before this Court and the same was allowed. But then, a mere look at the order passed by me would show that it was subject to the first respondent passing an order under Section 16 of the Indian Telegraph Act, 1885. In other words, I had held that without there being an order of permission granted under Section 16 of the Indian Telegraph Act, 1885, the private respondents cannot enter the petition mentioned lands. In as much as the order under Section 16 of the Indian Telegraph Act has been passed by the first respondent, nothing survives for further consideration in this Writ Petition.



5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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

The District Collector,
Karur District,
Karur.

W.P. (MD)No.14932 of 2020 and
WMP (MD)No.12564 of 2020
05.02.2021

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