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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.NO.2112 OF 2022 AND
WMP.NOS.2279, 2281 & 2282 OF 2022

1.S.Thirumurthy
2.V.Chandrababu
3.P.Subramaniam Reddy
4.K.D.Munisamy Reddy
5.P.Mukesh Reddy
6.N.Seetharaman

...Petitioners

Vs

1. The District Collector,
Tiruvallur District,
Collectorate Complex,
Tiruvallur - 602 001.

2. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.

3. The Executive Engineer,
Tamil Nadu Electricity Board,
A-10 Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai-600 032.

4. The President,
Village Panchayath,
No.43, Panapakkam Village,
Uthukottai Taluk, Tiruvallur District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings in Rc.26005/2021/M2 dated 12.12.2021, (signed on 09.01.2022) (received by the petitioners on 10.01.2022) quash the same and consequentially to abstain the respondents two and three from



erecting any electric high tension towers or drawing any electric high tension wires upon the or across the land belonging to the petitioners situated in Survey Nos.124/4, 124/5, 124/6, 125/10, 125/2, 125/9, 126/4B, 126/5, 126/6, 118/3, 118/5, 118/6, 119/12, 119/4 and 119/5 with respect to the first petitioner. In Survey Nos.64/11B, 29/8, 70/10, 70/11, 70/12, 70/13, 70/14, 70/15, 70/16, 70/17, 70/18, 70/21, 70/22, 70/23, 70/5, 71/2, 71/3, 73/5, 74/4A, 74/5A 74/5B 75/5 and 108/9 with respect to the second petitioner. In Survey Nos. 85/16, 85/6, 86/15, 66/3B, 25/2, 74/1, 77/1, 77/3, 77/5, 84/2, 81/10, 81/2, 81/3, 81/4, 81/7, 81/8, 81/9, 84/3, 85/5, 85/7, 88/18A, 65/1B, 65/15B, 65/16B and 102/10A1A with respect to the third petitioner in Survey Nos.87/15, 87/4, 87/9, 87/10, 87/11, 87/12, 87/13, 87/14, 87/2, 87/3, 87/5, 87/6, 87/7, 87/8, 89/3 and 89/4 with respect to the fourth petitioner. In Survey Nos.68/4, 68/6, 68/1, 68/2, 68/5, 68/7, 69/2C2, 69/6, 90/8A, 113/4, 113/5, 113/6, 90/14, 88/10, 88/12, 88/13, 88/14, 88/15, 88/16A, 88/16E, 88/16G, 88/17A, 88/19A, 88/20A, 88/21, 88/22, 88/5, 88/6, 88/7, 88/9 and 90/1A1 with respect to the fifth petitioner. In Survey Nos.17/5C, 22/5 and 22/6 with respect to the sixth petitioner.

For Petitioners : Mr.M.L.Ramesh

For Respondents : Mr.TNC.Kaushik (for R1)
Additional Government Pleader
Mr.S.Madhusudanan (for R2 & R3)
Standing Counsel
No Appearance (for R4)

O R D E R

Heard Mr.M.L.Ramesh, learned counsel for the petitioners, Mr.TNC.Kaushik, learned Additional Government Pleader for R1 and Mr.Madhusudanan, learned Standing Counsel for R2 and R3.

2.Read this order in conjunction with my order dated 10.02.2022 as follows:-

'WMP.No.2279 of 2022 filed seeking permission to file a single Writ Petition is ordered.

2.Mr.TNC.Kaushik, learned Additional Government Pleader accepts notice for R1 and Mr.S.Madhusudanan,



learned Standing Counsel accepts notice for R2 and R3 and Mr.M.Murali, learned Government Advocate accepts notice for R4. They seek some time to obtain instructions and file counters.

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3.At request of Mr.Madhusudanan, who is directed to produce a copy of the report of the Superintending Engineer, TANTRANSCO who is stated to have visited the site in question and submitted a written report as well as to provide particulars to establish TANTRANSCO's case that the original plan encompass Panapakkam Village as well, list on 16.02.2022.

4.Status quo, as of today, be maintained till then.'

3.Mr.Madhusudanan, produces a satellite map to establish that Panapakkam Village is in the vicinity of the villages that are covered by the notification. However, he would fairly concede to the position that the notification had omitted to mention Panapakkam specifically. Thus, the only recourse is to set aside impugned order dated 12.12.2021, as accepting the submission of the respondents would tantamount to covering all villages in the vicinity of those stipulated in the notification, under the ambit of the Notification, which is certainly a ludicrous proposition.

4.Let an order be passed afresh by the District Magistrate in conjunction with the District Collector, Thiruvallur, in line with the directions issued in WP.No.17270 of 2016 and batch on 17.02.2020, specifically paragraphs 8 to 12 thereof, after hearing the concerned parties, within a period of twelve (12) weeks from today.

5.This writ petition is disposed as above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

VS



To

1. The District Collector,
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Tiruvallur - 602 001.
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3. The Executive Engineer,
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4. The President,
Village Panchayath,
No.43, Panapakkam Village,
Uthukottai Taluk, Tiruvallur District.

+2ccs to Mr.M.L.Ramesh, Advocate, S.R.No.9827
+1cc to Mr.S.Madhusudanan, Advocate, S.R.No.10129
+1cc to the Special Government Pleader, S.R.No.10288

W.P.No.2112 of 2022 and
WMP.Nos.2281 & 2282 of 2022

SKM(CO)
PM/28/03/2022