

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.7133 OF 2022

AND

WMP NO.7149 OF 2022

P.Settihalil Panchayat Union,
Rep. By its President,
M.Ganapathy

... Petitioner

vs.

1. Union of India,
Rep. By its Secretary,
Ministry of Road Transport & Highways
Transport Bhawan,
1, Parliament Street,
New Delhi - 110 001.
2. The Regional Director,
National Highway NH 844 Project
No.34, Industrial Estate,
3rd Floor, Sri Tower,
Guindy,
Chennai.
3. The Project Director
National Highway NH84 Project,
Pl, Krishnagiri,
Dharmapuri District.
4. TANGEDCO,
Rep. By its Chairman,
No.144, Anna alai,
Chennai - 600 002.
5. Superintendent Engineer,
TANGEDCO,
No.144, Anna Salai,
Chennai 600 002.

6. The Collector,
Dharmapuri District,
Dharmapuri Collectorate Office,
Tamil Nadu.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to either realign the Highway No.844 at approximately 69 +100 kilometers from Neralur or re-locate the high tension Tower /Pylon No.277 at the said distance from Neralur in such a manner that the high tension Tower / Pylon No.277 is not situated in the middle of the National Highway 844 which is under construction so that the safety of the petitioner's villagers as well as the Highway users is not placed in danger in any manner whatsoever.

For petitioner : Ms.Preethi Raj
for M/s.G.Vijay Anand Associates

For respondents : Mr.T.Seenivasan
Spl. Govt. Pleader for R6
Mr.SU. Srinivasan
Standing counsel for R2 & R3
Mr.R.Rajesh Vivekananthan
CGSC for R1

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to either re-align the Highway No.844 at approximately 69 +100 kilometers from Neralur or re-locate the high tension Tower /Pylon No.277 at the said distance from Neralur in such a manner that the high tension Tower /Pylon No.277 is not situated in the middle of the National Highway 844 which is under construction so that the safety of the petitioner's villagers as well as the Highway users is not placed in danger in any manner whatsoever.

2. The petitioner claims to be the elected President of the P.Settihal Panchayat Union, where the subject highway is located. According to the petitioner, the high tension Tower/Pylon No.277 is situated in the middle of the National Highway 844 which is under construction and the safety of the petitioner's villagers as well as the Highway users is put to danger because of the location of the high tension Tower. The petitioner had earlier given representations on 28.12.2021 and 08.02.2022 to the respondents requesting them to re-align the

Highway No.844 at approximately 69 +100 kilometers from Neralur or re-locate the high tension Tower /Pylon No.277 to some other place. According to the petitioner the said representations have not been considered and only in those circumstances, this writ petition has been filed.

3. Heard Ms.Preethi Raj, learned counsel for the petitioner and Mr.T.Seenivasan, learned Special Government Pleader for the 6th respondent and Mr.Su.Srinivasan, learned Standing counsel for the respondents 2 and 3.

4. A counter affidavit has already been filed by the respondents denying the petitioner's allegations. According to the respondents, only based on a report received from the experts, the high tension Tower has been constructed which according to the respondents is not dangerous as claimed by the petitioner. However, the same is disputed by the learned counsel for the petitioner.

5. No prejudice would be caused to the respondents, if the petitioner's representations dated 28.12.2021 and 08.02.2022 seeking for re-alignment of Highway No.844 or for re-location of the high tension Tower referred to supra is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6. Learned Senior Central Government Standing counsel appearing for the respondents has also not raised any serious objection, if such a direction is issued by this Court. Since the representations were earlier not given to the 3rd respondent, the petitioner will have to give a fresh representation to enable the 3rd respondent to consider the same on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the 3rd respondent requesting them to realign the Highway No.844 at approximately 69 +100 kilometers from Neralur or re-locate the high tension Tower /Pylon No.277 at the said distance from Neralur in such a manner that the high tension Tower /Pylon No.277 is not situated in the middle of the National Highway No.844 which is under construction so that the safety of the petitioner's villagers as well as the Highway users is not placed in danger, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the 3rd respondent shall pass final orders on merits and in accordance with law, within a period of four weeks thereafter, after giving due consideration to the contentions raised by the petitioner in the representation.

8. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Secretary,
Union of India,
Ministry of Road Transport & Highways
Transport Bhawan, 1, Parliament Street,
New Delhi - 110 001.
2. The Regional Director,
National Highway NH 844 Project
No.34, Industrial Estate,
3rd Floor, Sri Tower,
Guindy, Chennai.
3. The Project Director
National Highway NH84 Project,
P1, Krishnagiri,
Dharmapuri District.
4. The Chairman,
TANGEDCO, No.144, Anna alai,
Chennai - 600 002.
5. The Superintendent Engineer,
TANGEDCO, No.144, Anna Salai,
Chennai 600 002.
6. The Collector,
Dharmapuri District,
Dharmapuri Collectorate Office,
Tamil Nadu.

+1cc to M/s.G.Vijay Anand Associates, Advocate, S.R.No.42606
+1cc to Mr.SU. Srinivasan, Advocate, S.R.No.42491
+1cc to Mr.R.Rajesh Vivekananthan, Advocate, S.R.No.42459
+1cc to Mr.S.Madhusudanan, Advocate, S.R.No.42387
+1cc to the Government Pleader, S.R.No.42355

W.P.No.7133 of 2022

SR(CO)
RLP(18/07/2022)