

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM :

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.10458 OF 2022

AND

WMP NO.10158 OF 2022

P.Maddhaiyan

...Petitioner

Vs.

1.The District Collector,
Office of the District Collector's Compound,
Salem District.

2.The Executive Engineer,
Transmission Line Constructions,
TANTRANSCO, TNEB,
Salem District.

3.The Assistant Executive Engineer,
Transmission Line Construction,
TANTRANSCO, TNEB, Mettur,
Salem District.

4.The Superintending Engineer,
General Construction Circle,
TANTRANSCO, TNEB,
Salem District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order dated 22.03.2022 in Na.Ka.570/2021/B2 passed by the 1st respondent quash the same, consequently forbear the respondents 2 to 4 from erecting the electric towers one round electric line route in the middle of the petitioner's property comprised in S.No.80/2 situated at Sekkarampatti village, Kadayampatti Taluk, Salem District an extent of 0.51.69 Hectares.

For petitioner : Dr.R.Vasudevan

For respondents : Mr.K.H.Ravikumar,
Govt. Advocate for R1
Mr.S.Madhusudanan
Standing counsel for R2 to R4

ORDER

This writ petition has been filed challenging the order dated 22.03.2022 passed by the first respondent rejecting the petitioner's request for re-alignment of high tension tower which is installed in his agricultural property.

2. Heard Mr.K.H.Ravikumar, learned Government Advocate appearing for the 1st respondent, Mr.S.Madhusudanan, learned Standing counsel for respondents 2 to 4.

3. A counter affidavit has been filed by the respondents stating that it is not possible to re-align the high tension tower to a different place. According to the respondents, out of 33 towers to be installed, 32 towers have already been installed and it is not possible to realign the tower located in the petitioner's property alone.

4. However, the learned counsel for the petitioner would now submit on instructions that the petitioner is satisfied if the high tension tower to be installed in the petitioner's property is re-located to another place, within the petitioner's property so that the petitioner can effectively enjoy his property.

5. The learned Standing counsel for the respondents has not raised any serious objection, if the petitioner gives a fresh representation to the respondents requesting for relocation of high tension tower, within the petitioner's own property to another place.

6. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to give a fresh representation to the respondents 2 and 3 requesting them to relocate the high tension tower which is proposed to be installed in the petitioner's agricultural lands comprised in S.No.80/2 situated at Sekkarampatti Village, Kadayampatti Taluk, Salem District measuring an extent of 2.46 acres to another place in the very same land for the convenient enjoyment of the petitioner, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the 2nd and 3rd respondents shall pass final orders on the petitioner's representation, within a period of four weeks thereafter.

7. 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

To

- 1.The District Collector,
Office of the District Collector's Compound,
Salem District.
- 2.The Executive Engineer,
Transmission Line Constructions,
TANTRANSCO, TNEB,
Salem District.
- 3.The Assistant Executive Engineer,
Transmission Line Construction,
TANTRANSCO, TNEB, Mettur,
Salem District.
- 4.The Superintending Engineer,
General Construction Circle,
TANTRANSCO, TNEB,
Salem District.

+1cc to Mr.S.Madhusudanan, Advocate Sr.No.42389

+1cc to Dr.P.Vasudevan, Advocate Sr.No.42165

+1cc to the Government Pleader Sr.No.42356

W.P.No.10458 of 2022

SSD(CO)
RVM(21/07/2022)