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W.P.Nos.17654 and 1756 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

**W.P.Nos.17654 and 1756 of 2020
and WMP Nos.2031, 2033 and 21899 of 2020**

Brindavan Matriculation Higher Secondary School,
Vettapattu Road, Candhipuram,
B.Bandarapalli Village,
Nattrampalli Taluk,
Vellore District 635 852
Rep by its Correspondent
G.Ashokan

... Petitioner in both the writ petitions

Versus

1. Chief Engineer (Personnel) (TLC)
The Tamil Nadu Electricity Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai-600 002.
2. The Superintending Engineer,
General Construction Circle (TLC),
The Tamil Nadu Electricity Generation and Distribution
Corporation Ltd., (TANGEDCO),
Udayapatty, Salem.
3. The Executive Engineer,
General Construction Circle (TLC),
The Tamil Nadu Electricity Generation and Distribution
Corporation Ltd., (TANGEDCO)
Vengalapuram,
Tirupathur Taluk,
Vellore District.



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4. The Assistant Executive Engineer,
General Construction Circle (TLC),
The Tamil Nadu Electricity Generation and Distribution
Corporation Ltd., (TANGEDCO),
Katpadi, Vellore District.

5. The District Collector,
Tirupattur District,
Tirupattur.

... Respondents in both the writ petitions

W.P.NO.17654 of 2020: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents to relocate 110 KV High Tension line drawn across the Playground of Petitioner School in S.Nos.420/2B, 421/3 and 421/3B, B.Bandarapalli Village, Natrampalli Taluk, Tirupattur District beyond the school premises, based on the representation submitted by the petitioner School on 04.01.2020 within a time frame to be fixed by this Court.

W.P.NO.1756 of 2020: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 5th respondent in Na.Ka.D1/13897/2019 dated 27.12.2019 (served on the Petitioner school on 02.01.2020) and to quash the same and consequently directing the respondents to remove the 110 KV High Transmission Tower line -High Tension line erected through the Petitioner School in S.Nos.420/2B and 421/3 and 421/3B, B.Bandarapalli Village, Natrampalli Taluk, Tirupattur District and consequently direct the respondents to alter the line of the 110 KV High Tension Line Path 50 mtrs away from the second tower in respect of Vinnamangalam to Natrampalli Sub Station Transmission Tower Line.



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For Petitioner : Mr.G.Sankaran

For Respondents : Mr.Madhusudanan
Standing Counsel
For R.1 to R.4

Mr.B.Vijay
AGP
For R.5

COMMON ORDER

W.P.No.17654 of 2020 has been filed for a Mandamus seeking for a direction to the respondents to relocate 110 KV High Tension line drawn across the Playground of Petitioner School in S.Nos.420/2B, 421/3 and 421/3B, B.Bandarapalli Village, Nattrampalli Taluk, Tirupattur District beyond the school premises, based on the representation submitted by the petitioner School on 04.01.2020 within a time frame to be fixed by this Court.

W.P.No.1756 of 2020 has been filed challenging the order dated 27.12.2019 passed by the fifth respondent rejecting the petitioner's request for relocation of the 110 KV High Transmission Tower line -High Tension line erected through the Petitioner School, on the ground that the fifth respondent does not have the power to reroute the KV High Transmission Tower line which is likely to come up in the petitioner School at that point of time.



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2. The grievance of the petitioner is that subsequent to the filing of

WP No.1756 of 2020, KV High Transmission Tower line has been put up in the petitioner School, which is dangerous to the students and others, who come regularly to the School. At the time of filing of W.P.No.1756 of 2020, there was only a proposal, but later on, during the pendency of the writ petition, the said proposal was implemented and presently, HT wires are found in the petitioner school. Thereafter, the petitioner has made a representation dated 04.01.2020. Since the representation has not been considered, the petitioner filed W.P.No.17654 of 2020 for a Mandamus seeking for a direction to relocate 110 KV High Tension line drawn across the Playground of Petitioner School to another place outside the school campus based on the petitioner's representation dated 04.01.2020.

3. Since the issue involved in both the writ petitions is one and the same as it relates to the petitioner's grievance for removal of 110 KV High Tension line from the petitioner school, both the writ petitions are disposed of by a common order.

4. Learned counsel for the petitioner relied upon the Official Memorandum dated 14.10.2017 issued by the TANGEDCO and would submit



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that clear instructions have been issued in the said Memorandum for shifting distribution transformers and HT/LT lines from school premises, which are posing threat to safety of students and therefore, the Official Memorandum dated 14.10.2017 gets attracted for the petitioner school also. The petitioner has given a representation on 04.01.2020 to the respondents requesting them to relocate 110 KV High Tension wires which are crossing through the petitioner school.

5. Since the representation given by the petitioner dated 04.01.2020 is an old representation, the petitioner will have to give a fresh representation and no prejudice would be caused to the respondents if the petitioner's representation, to be submitted afresh, is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting them the right of personal hearing in the light of the Official Memorandum issued by TANGEDCO dated 14.10.2017 referred to supra. A positive direction sought for by the learned counsel for the petitioner cannot be granted by this Court at this stage. It is for the respondents to consider the representation of the petitioner, to be submitted afresh, on merits and in accordance with law within a time frame to be fixed by this Court.



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6. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondents 2 and 3 for relocation of 110 KV High Tension line within a period of one week from the date of receipt of a copy of this order and on receipt of such representation, the respondents 2 and 3 are directed to pass final orders on the petitioner's representation on merits and in accordance with law after affording fair hearing to the petitioner including granting them the right of personal hearing within a period of eight weeks thereafter.

7. With the aforesaid direction, W.P.No.17654 of 2020 is disposed of. No costs. Consequently, connected WMP No.21899 of 2020 is closed.

8. Since W.P.No.17654 of 2020 is disposed of as stated supra, nothing survives for further adjudication in W.P.No.1756 of 2020 and accordingly, WP No.1756 of 2020 is disposed of. No costs. Consequently, connected WMP Nos.2031 and 2033 of 2020 are closed.

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sr

Index: Yes/No

Speaking Order/Non-Speaking Order

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ABDUL QUDDHOSE, J

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