



W.P.No.32701 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.32701 of 2022
and
W.M.P.No.32085 of 2022

S.Komala

..Petitioner

Vs.

1.The District Collector,
Vellore District,
Vellore – 9.

2.The Superintendent Engineer,
Vellore Electricity Distribution Circle,
Gandhi Nagar, Vellore District,
Vellore.

3.The Executive Engineer,
Electricity Grid Construction,
Tirupattur Vengalapuram,
Tirupattur,
Tirupattur District – 635 653.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, forbearing the respondents 2 and 3 from proceeding further with laying off 110/33 KV high tension electric towers in petitioner's agricultural patta lands pursuant to the sanction



W.P.No.32701 of 2022

Lr.No.513/SE/VEDC/AEE/Dev/AE1/DM/F.HTSC 1251 – Addl (33-110 KV)/20-1, dated 05.02.2021 mentioned in letter Se.Po./Mi.Tho.Ka/Thiru/Ko-Manu/no.1324/2022 dated 31.10.2022 with a consequential direction to the 2nd and 3rd respondents to lay the high tension towers through an alternate route available in the nearby lands belonging to the beneficiary VIT, Vellore till the disposal of the application dated 15.10.2022 submitted to the 1st respondent under Section 16(1) of Indian Telegraph Act, 1885 by the Electricity Distribution Corporation.

For Petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.T.Seenivasan,

Special Government Pleader for R1

Mr.D.R.Arun Kumar for R2 and R3

ORDER

Mr.T.Seenivasan, learned Special Government Pleader takes notice for the 1st respondent and Mr.D.R.Arun Kumar, learned counsel takes notice for the respondents 2 and 3.

2. Considering the limited prayer sought for in the Writ Petition, this Writ Petition is taken up for disposal at the admission stage with the consent of the learned counsel appearing on either side.



W.P.No.32701 of 2022

WEB COPY

3. Though the prayer in the writ petition is for a mandamus forbearing the respondents 2 and 3 from erecting High Tension tower in the petitioner's land, Mr.T.P.Prabakaran, learned counsel appearing for the petitioner would submit that in view of the letter issued by the 3rd respondent dated 31.10.2022 informing the owner that they had already approached the District Collector seeking permission under Section 16(1) of the Indian Telegraph Act on 15.10.2022, the writ petition may be disposed of with a direction to the Collector to dispose of the application under Section 16(1).

4. Mr.D.R.Arun Kumar, learned counsel appearing for the respondents 2 and 3 would also submit that the respondents do not propose to enter the petitioner's land till such time the District Collector disposes of the application under Section 16(1) of the Indian Telegraph Act.

5. Taking into account the submissions of the counsel on either side, the writ petition is **disposed of** with a direction to the District Collector, the 1st respondent to dispose of the application under Section 16(1) of the



W.P.No.32701 of 2022

Telegraph Act within a period of four weeks from the date of receipt of a copy of the order. No costs. Consequently, the connected miscellaneous petition is closed.

06.12.2022

dsa

Index : No

Internet : Yes

Speaking order

To

- 1.The District Collector,
Vellore District,
Vellore – 9.
- 2.The Superintendent Engineer,
Vellore Electricity Distribution Circle,
Gandhi Nagar, Vellore District,
Vellore.
- 3.The Executive Engineer,
Electricity Grid Construction,
Tirupattur Vengalapuram,
Tirupattur,
Tirupattur District – 635 653.



WEB COPY



W.P.No.32701 of 2022

R.SUBRAMANIAN, J.

dsa

W.P.No.32701 of 2022

06.12.2022