



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3795 of 2022

and

W.M.P. [MD]No.3305 of 2022

WEB COPY

G.Krishnamoorthy

... Petitioner

Vs.

1. The District Collector,
District Collectorate Premises,
Virudhunagar District.
2. The Executive Engineer,
Construction/T.P./765KV,
Tamil Nadu Transmission Corporation,
Virudhunagar District.
3. The Assistant Executive Engineer,
Construction/T.P./765KV,
Tamil Nadu Transmission Corporation,
Virudhunagar District.
4. The Assistant Engineer,
Construction/T.P./765KV,
Tamil Nadu Transmission Corporation,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the representation of petitioner dated 29.01.2022 and 23.02.2022 in the light of the provision of the Indian Telegraph Act, 1885 and to shift the tower base area from Survey No.38/4A of Maruluthu Village, Virudhunagar Taluk, Virudhunagar District for the purpose of erection of 765 KV DC line with Hexa Zebra conductor from Virudhunagar to Coimbatore 765/400 KV SS Tower Loc No.8/0 to the adjacent survey number that is survey number 24/1A of Vaaiputanpatti Village, Virudhuangar Taluk, Virudhunagar District.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.D.Sasi Kumar

Additional Government Pleader for R.1

Mr.S.Deenadhayalan,

Standing Counsel for R.2 to R.4



O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the representations of petitioner dated 29.01.2022 and 23.02.2022 seeking for shifting of the tower base area located in his property in Survey No.38/4A of Maruluthu Village, Virudhunagar Taluk, Virudhunagar District for the purpose of erection of 765 KV DC line with Hexa Zebra conductor from Virudhunagar to Coimbatore 765/400 KV SS Tower Loc No.8/0 to the adjacent survey number that is Survey No.24/1A of Vaaiputanpatti Village, Virudhuangar Taluk, Virudhunagar District and pass final orders on merits and in accordance with law within a time frame to be fixed by this Court.

2.It is the case of the petitioner that the aforementioned tower base is located in the aforementioned property which is absolutely owned by him. According to him, the tower base is located in the front of his property and therefore, it has to be shifted to another place within his own property as according to the petitioner the present location of the tower base is detrimental to his interest and the value of the property will go down drastically if the tower base is located in the present location. The petitioner has given representations dated 29.01.2022 and 23.02.2022 to the respondents requesting them to shift the tower base to another location within his own property. Since the said representations have not been considered till date, he has filed this writ petition.

3.Heard Mr.C.M.Arumugam, learned Counsel for the writ petitioner, Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the first respondent and Mr.S.Deenadhayalan, learned Standing Counsel who accepts notice on behalf of respondents 2 to 4.

4.On instructions, learned Standing Counsel for respondents 2 to 4 would submit that the project implemented by the respondents is more than Rs.3000 crore project and it may be difficult for the respondents to shift the tower base as requested by the petitioner. According to him, there were 23 objectors with regard to the location of the tower base in that area and their objections were heard and only thereafter pursuant to the orders passed by the first respondent, the respondents 2 to 4 were permitted to enter upon the respective properties where the tower bases were located on 11.02.2022. According to him since the petitioner is a permanent resident of Chennai, he did not raise any objection earlier.

5.This Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's representations dated 29.01.2022 and 23.02.2022 requesting for shifting of the tower base to another location within his own property is considered on



merits and in accordance with law after affording a fair hearing to the petitioner.

6. Accordingly, this Court directs the first respondent to consider the representations of the petitioner dated 29.01.2022 and 23.02.2022 seeking for shifting of the tower base area from Survey No.38/4A of Maruluthu Village, Virudhunagar Taluk, Virudhunagar District for the purpose of erection of 765 KV DC line with Hexa Zebra conductor from Virudhunagar to Coimbatore 765/400 KV SS Tower Loc No.8/0 to the adjacent survey number that is Survey No.24/1A of Vaaiputanpatti Village, Virudhuangar Taluk, Virudhunagar District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner within a period of four [4] weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The District Collector,
District Collectorate Premises,
Virudhunagar District.
2. The Executive Engineer,
Construction/T.P./765KV,
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3. The Assistant Executive Engineer,
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Tamil Nadu Transmission Corporation,
Virudhunagar District.



4. The Assistant Engineer,
Construction/T.P./765KV,
Tamil Nadu Transmission Corporation,
Virudhunagar District.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-9811[F] dated 03/03/2022)

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-9391[F] dated 01/03/2022)

+1 CC to M/s.SPL GP (SR-9418[F] dated 02/03/2022)

ORDER MADE IN
W.P. [MD]No.3795 of 2022
01.03.2022

KS (CO)
GC (07.03.2022) 4P 8C