



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3938 of 2022

and

W.M.P. [MD]No.3383 of 2022

WEB COPY

M.Vetrivelmurugan

... Petitioner

Vs.

1.Union of India,  
Rep. by its Secretary,  
Department of New and Renewable Energy,  
Block-14, CGO Complex, Lodhi Road,  
New Delhi - 110 003.

2.The State of Tamil Nadu,  
Rep. by its Principal Secretary,  
Department of Energy,  
Fort St. George, Chennai - 600 009.

3.The District Collector,  
Dindigul District,  
Collectorate, Dindigul.

4.The Superintendent Engineer,  
General Construction Circle,  
TANTRANSCO, Dr.Subbarayan Road,  
Tatabad, Coimbatore - 641 012.

5.The Superintendent Engineer,  
General Construction Circle,  
TANTRANSCO,  
2<sup>nd</sup> Floor, TNEB Office,  
K.Pudur, Madurai.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to divert the high tension electric line pathway of Coimbatore - Virudhunagar 765 KV project through some other adjacent dry lands without affecting my developed plants and land in S.No.559/1 Sallipattai Small Village, Jambuduraikottai Village, Nilakottai Taluk, Dindigul District based on the petitioner's representation dated 17.11.2021.

For Petitioner

: Mr.R.Narayanan

For Respondent No.1

: Mr.K.Sankararaman

Central Government Standing Counsel



For Respondents 2&3

: Mr.B.Saravanan

Additional Government Pleader

For Respondents 4&5

: Mr.S.Deenadhayalan

Standing Counsel

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**O R D E R**

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This writ petition has been filed for a Mandamus seeking for a direction to the respondents to divert the high tension electric line pathway of Coimbatore - Virudhunagar 765 KV project through some other adjacent dry lands without affecting the petitioner's developed plants and land in S.No.559/1 Sallipattai Small Village, Jambuduraikottai Village, Nilakottai Taluk, Dindigul District based on the petitioner's representation dated 17.11.2021.

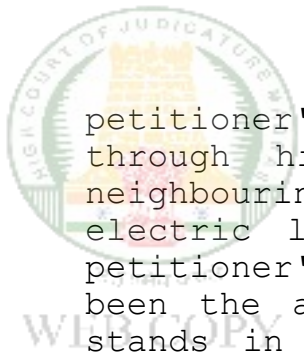
2.It is the case of the petitioner that he is the absolute owner of the aforementioned property. According to him, the respondents have already installed one high tension electric tower in the north east of his property and attempting to erect high tension electric tower in the adjoining place also in the south west. It is the contention of the petitioner that though the high tension electric tower can be placed in dry lands available close to the petitioner's property, the respondents are attempting to place the high tension electric tower in the adjoining lands of the petitioner and the electric lines are passing through the petitioner's property where the petitioner has planted trees. Therefore, according to the petitioner, the passing of the electric lines through the petitioner's property is detrimental to his interest.

3.It is also contended by the petitioner that there are neighbouring dry lands through which the electric lines can pass through instead of passing through the petitioner's land which is a fertile land where several trees of the petitioner are there. He has given a representation on 17.11.2021 to the respondents 3 and 5 requesting them not to place the electric lines in his property. Since the said representation has not been considered till date, he has approached this Court by filing the writ petition.

4.Heard Mr.R.Narayanan, learned Counsel for the petitioner, Mr.K.Sankararaman, learned Central Government Standing Counsel who accepts notice on behalf of the first respondent, Mr.B.Saravanan, learned Additional Government Pleader who accepts notice on behalf of the second and third respondents and Mr.S.Deenadhayalan, learned Standing Counsel who accepts notice on behalf of the fourth and fifth respondents.

5.Learned Counsel for the petitioner drew the attention of this Court to the photographs of the subject property to show that the

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petitioner's trees will be destroyed if the electric lines pass through his property. He would also contend that there are neighbouring dry lands where no crops are grown through which the electric lines can pass through instead of passing through the petitioner's lands. It is also contended that ever since 2016 he has been the absolute owner of the aforementioned property and patta stands in his name. He would further submit that till date his representation dated 17.11.2021 to forbear the respondents from laying the electric lines over his property has not been considered.

6.However, learned Standing Counsel for the respondents 4 and 5 on instructions would submit that the project erection of 765 KV DC line with Hexa Zebra conductor from Virudhunagar to Coimbatore funded by Asian Development Bank is a 3000 crore rupee project for the benefit of nine districts and therefore, it may be difficult for the respondents to accommodate the petitioner's request. He would further submit that in many areas the work has already been completed and any further delay will be detrimental to public interest. It is also submitted that deviation sought for by the petitioner may not be possible.

7.After giving due consideration to the respective submissions, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law within a very short time after affording a fair hearing to the petitioner.

8.Accordingly, this Court directs the fifth respondent to consider the petitioner's representation dated 17.11.2021 seeking for diversion of the high tension electric lines passing through the petitioner's property to some other adjacent dry lands and pass final orders on merits and in accordance with law within a period of fifteen [15] days from the date of receipt of a copy of this order after affording a fair hearing to the petitioner. Till final orders are passed the respondents shall maintain *status quo*. In case in the final orders to be passed by the fifth respondent it is found that the petitioner is not entitled for any benefit, they shall proceed with the laying of the electric lines.

9.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.

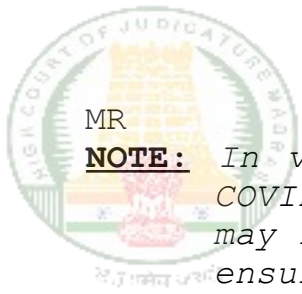
Sd/-

Assistant Registrar(AD-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 Secretary,  
Union of India,  
Department of New and Renewable Energy,  
Block-14, CGO Complex, Lodhi Road,  
New Delhi - 110 003.
  - 2.The Principal Secretary,  
State of Tamil Nadu,  
Department of Energy,  
Fort St. George, Chennai - 600 009.
  - 3.The District Collector,  
Dindigul District,  
Collectorate,  
Dindigul.
  - 4.The Superintendent Engineer,  
General Construction Circle,  
TANTRANSCO,  
Dr.Subbarayan Road,  
Tatabad, Coimbatore - 641 012.
  - 5.The Superintendent Engineer,  
General Construction Circle,  
TANTRANSCO,  
2<sup>nd</sup> Floor, TNEB Office,  
K.Pudur, Madurai.
- +1 CC to M/s.R.NARAYANAN, Advocate ( SR-9836[F] dated 03/03/2022 )  
+1 CC to M/s.SPL GP ( SR-10197[F] dated 04/03/2022 )  
+1 CC to M/s.K.SANKARA RAMAN, Advocate ( SR-9980[F] dated 04/03/2022 )

**ORDER MADE IN**  
**W.P. [MD]No.3938 of 2022**  
**03.03.2022**

na (CO)  
TR(21.03.2022) 4P 9C