



WEB COPY



W.P.No.2875 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 06.06.2023**

CORAM

**THE HON'BLE MR.JUSTICE M.DHANDAPANI**

**WP No.2875 of 2020**

**and**

**WMP.No.3322 of 2020**

S. Dhandapani

... Petitioner

Vs.

1. The Chairman and Managing Director,  
Tamil Nadu Generation and Distribution  
Corporation Ltd.,  
10<sup>th</sup> Floor, NPKRR MALIGAI,  
144, Anna Salai,  
Chennai – 600 002.

2. The Chief Engineer,  
Non-Conventional Energy Sources,  
TANGEDCO, 2<sup>nd</sup> Floor,  
Eastern Wing,  
Chennai – 600 002.

3. The Superintending Engineer,  
Non-Conventional Energy Sources,  
TANGEDCO, Kolumam Road,  
Udaumalapet – 42126,  
Tiruppur District.

4. The District Collector,  
Tiruppur District.

5. The Executive Officer,  
Kannivaddi Town Panchayat



W.P.No.2875 of 2020

6. The General Manager,  
K.S. Infrastructure,  
Balakumar Nagar,  
Nanchaithalaiyur Post,  
Dharapuram Taluk,  
Thiruppur District.

...Respondents

**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1 to 5 respondents forbearing the 6<sup>th</sup> respondent from erecting poles to draw 230 KV Low Tension wire over the Petitioner Patta lands situated at Periyakattu Thottam, Velanthurai, Dharapuram Taluk, Tiruppur District for the Survey No.394/1, 394/2, 395/1, 395/2, 395/2, without giving any notice or seeking consent from the petitioner for such usage of petitioner patta lands.

|                 |                                                                                                                               |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------|
| For Petitioner  | : No appearance                                                                                                               |
| For Respondents | : Mr.L. Jaivenkatesh<br>for TNEB for R1 to R3<br>Mrs.Kanimozhimath for R6<br>Mr.P.Sathish,<br>Addl. Govt. Pleader for R4 & R5 |

### **ORDER**

The writ petition is filed for the issuance of a Mandamus directing the 1 to 5 respondents forbearing the 6<sup>th</sup> respondent from erecting poles to draw 230 KV Low Tension wire over the Petitioner Patta lands situated at Periyakattu Thottam, Velanthurai, Dharapuram Taluk, Tiruppur District for the Survey No.394/1, 394/2, 395/1, 395/2, 395/2, without giving any notice or seeking consent from the petitioner for such usage of petitioner patta lands.



W.P.No.2875 of 2020

2. It is stated in the affidavit filed in support of this writ petition that the petitioner is the absolute owner of the property situated at Periyakattu Thottam, Velanthurai, Dharapuram Taluk, Tiruppur District for the Survey No.394/1, 394/2, 395/1, 395/2, 395/2. The crux of the issue is that without giving any notice or seeking consent from the petitioner for usage of his lands or even without fixing any compensation, the respondents are attempting to erect poles to draw 230 KV Low Tension wire over the subject property. In such circumstances, he has submitted a representation to the respondents on 31.01.2020, whereas the same has not been considered till date. Hence, this writ petition.

3. When the matter is taken up for hearing, learned counsel appearing for the 6<sup>th</sup> respondent submitted that poles have been erected in the subject land and the task was handed over to the Government for commissioning. In view of the above, he submits that appropriate directions may be issued by this Court.

4. Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents 4 and 5 submitted that though it is stated that poles have been erected by private respondent, he has no objection for issuance of such a direction to the 4<sup>th</sup> and 5<sup>th</sup> respondents to consider the



W.P.No.2875 of 2020

petitioner's representation, if not considered earlier.

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5. In view of the aforesaid submissions, this Court without going into the merits of the case, is inclined to issue a direction to the petitioner to submit a copy of the representation, dated 31.01.2020 to the 4<sup>th</sup> and 5<sup>th</sup> respondents along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the same, the 4<sup>th</sup> and 5<sup>th</sup> respondents are directed to consider the same and pass appropriate orders in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as to the 6<sup>th</sup> respondent, if not considered earlier by them, within a a period of four weeks thereafter.

6. With the aforesaid directions, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

06.06.2023

Internet : Yes/No

Index: Yes/No

Speaking order/Non-speaking order

vsi2

**M.DHANDAPANI, J.**



WEB COPY



W.P.No.2875 of 2020

vs12

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