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WP.No.10446 of 2019

In the High Court of Judicature at Madras

Dated : 10.3.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.10446 of 2019

Mohammed Shuaib Musvee

...Petitioner

Vs

1.The Superintending Engineer/
Operation, Tamil Nadu Transmission
Corporation (TANTRANSCO),
Chennai South, Guindy.

2.The Executive Engineer/Operation,
Tamil Nadu Transmission Corporation
(TANTRANSCO), 230 KV SS,
Kadaperi, Chennai-47.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to shift the high voltage overhead electricity lines (HVOTL) that run above the petitioner's property at 217, Quaide Millet Street, Navalur, Chennai-103 and install the same along the nearby canal at their own cost.



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For Petitioner : Mr.R.Amizhdhu
For Respondents : Mr.D.R.Arunkumar

ORDER

The petitioner has filed this writ petition seeking a direction to the respondents to shift the high voltage overhead electricity lines (HVOTL) that run above the petitioner's property at 217, Quaide Millet Street, Navalur, Chennai-103 and install the same along the nearby canal at their own cost.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

3. The case of the petitioner is as hereunder :

(i) The petitioner and his family members are the absolute owners of the patta land at No.217, Quaide Millet Street, Navalur, Chennai-603103 ad-measuring Ac.1.41 cents. They acquired the said property under three sale deeds (a) dated 20.3.1998 vide Doc.No. 615 of 1998 measuring an extent of 8 cents in S.No.217/1, 5 cents in S.No.217/2 and again 5 cents in S.No.217/3 totalling 93 cents; (b)



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dated 30.8.2000 vide Doc.No.74 of 2001 measuring an extent of 24 cents in S.No.218/1B1 and (c) dated 30.8.2000 vide Doc.No.75 of 2001 measuring an extent of 24 cents in S.No.218/1B1 and obtained patta No.1215. As on date, the petitioner paid the property tax fully and constructed a godown in the property in question.

(ii) According to the petitioner, just above the said property, high voltage electricity lines are running from north to south of the petitioner's property. The height of the wires is barely 5 meters from the ceiling height of the godown. Usually, the high voltage wires drawn in the corridor of a land where building construction is prohibited. However, the lands in question are patta lands used for residential purpose where there is no prohibition of building construction. About 50 meters east of the petitioner's property, there is a canal running north south and it would be ideal for installation of the high voltage wires and this factor was ignored by the respondents.

(iii) The respondents should have a planning policy with regard to fixing or siting of electricity distribution equipment. The high voltage lines emit high levels of electro magnetic radiation causing short term health problems such as interference with cell function, break DNA strands and erosion of immune system. These biological irregularities



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cause initial symptoms like dizziness, fatigue, head ache, nausea and digestive disorders. They often culminate in causing more serious disorders in children, pregnant women and elderly people and would lead to long term health problems. The effect of electro magnetic fields on animals and plants is also of serious concern.

(iv) After series of correspondence from 2015, the petitioner gave a representation dated 02.1.2018 to the second respondent to remove the high tension wire from the lands in question. He received a letter dated 17.1.2018 from the second respondent stating that the removal or shifting of the high tension line had to be carried out only on the basis of Deposit Contribution Works. When the petitioner enquired as to the approximate cost of shifting of the overhead line, he came to know that it would cost several lakhs. Further, the petitioner gave a reply dated 23.10.2018 expressing his inability to pay the cost of shifting. In turn, the petitioner requested the respondents to shift the high voltage overhead electricity lines. Thereafter, there was no response from the respondents.

(v) The petitioner cannot afford to pay the cost of shifting the overhead line. In addition to that, the consent was not obtained either from the petitioner or from the other local residents at the time of



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installing the overhead line. When there is a Government vacant unused land available about 50 meters from the property in question, there would not be any impediment to shift the high voltage line to that place. Though the Government officials, who conducted the inspection, were aware of the said fact, the only issue arises as to who would bear the cost of shifting.

(vi) The petitioner purchased the land in question for a valuable consideration and the overhead cable above the petitioner's land is creating a lot of problems. The existence of high voltage overhead cable above the petitioner's land is causing electromagnetic field, which is very harmful to human being, animals and plants. The respondents are duty bound to protect the interests of the citizens. Hence the writ petition.

4. The learned counsel for the petitioner submitted that the high voltage electric line needs to be shifted five kilometers away from the present place as it would cause electromagnetic radiation. In view of the high voltage electric line drawn above the land, the petitioner is not able to develop the land. If the high voltage electric line cannot be shifted, the petitioner may be permitted to make an application before



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the respondents seeking compensation if the scheme so permits.

5. On the above contentions, this Court heard the learned Standing Counsel appearing for the respondents and perused the materials placed on record.

6. Considering the facts and circumstances of the case, this Court, without going into the merits of this case, permits the petitioner to make an application before the respondents seeking compensation within a period of two weeks from the date of receipt of a copy of this order. On receipt of such an application, the respondents are directed to pass appropriate orders in terms of the relevant schemes of the Government.

10.3.2023

Index : Yes (or) No
Neutral Citation : Yes (or) No
RAP



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M.DHANDAPANI,J

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