



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3363 of 2023

and

WMP(MD)Nos.3115, 3116, 3117 & 3119 of 2023

S.Jeyakani

... Petitioner

Vs.

1.The District Collector,
Tuticorin District, Tuticorin.

2.The Superintendent Engineer,
TANGEDCO,
General Administrative Circle,
K.Pudhur, Madurai.

3.The Executive Engineer,
TANGEDCO, Tiruchendur,
Tuticorin District.

4.The Assistant Engineer,
TANGEDCO,
(Transmission line from Uthankudi
Thermal Power Plant to Oddapidaram
Sub Station),
Tiruchendur, Tuticorin District.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Mu.Mu(C5)465409/2022 dated 03.02.2023 issued by the first respondent and quash the same and consequently direct the first respondent to conduct proper enquiry and pass fresh orders by considering the petitioner's objection before proceedings to erect High Tension Line through the petitioner's land in S.No.622/2B to an extent of 6 acres 82 cents situated at Manaduthandupathu, Udankudi Village,, Tiruchendur Taluk, Tuticorin District.

For Petitioner : Mr.Raguvaran Gopalan
for Mr.G.Mohan Kumar

For Respondents : Mr.G.Suriyananth,
Additional Government Pleader for R1

Mr.S.Deenadhayalan, Standing Counsel
for R2 to R4

ORDER

Heard the learned counsel on either side.

2.TANGEDCO wants to draw high tension lines over the petition mentioned lands. Obviously, order will have to be obtained under Section 16 of the Indian Telegraph Act. The first respondent had passed such an order on 03.02.2023. However, it is vulnerable for the reason that after informing the petitioner, an inspection was conducted. It is clearly impermissible in law. In



fact, such an inspection should be conducted in the presence of the petitioner and any report relied on by the District Collector must be served on the petitioner and her response must also be obtained.

3. In this view of the matter, the impugned order is set aside. The matter is remitted to the file of the first respondent. The first respondent shall cause fresh site inspection to be made in the presence of the petitioner. After serving the site inspection report on the petitioner and getting her response, final order under Section 16 of the Telegraph Act will be passed. The first respondent will adhere to the principles of natural justice. The entire exercise will be completed within a period of four weeks from the date of receipt of copy of this order.

4. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

01.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Skm



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To:-

1. The District Collector,
Tuticorin District, Tuticorin.



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G.R.SWAMINATHAN, J.

Skm

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