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W.P.(MD)No.3466 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3466 of 2023

S.V.Malathi

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Superintending Engineer,
GCC/TANGEDCO,
K.Pudur, Madurai - 7.
- 3.The Superintending Engineer,
Distribution Circle,
TANGEDCO,
Virudhunagar.
- 4.The Executive Engineer,
Tower Line Construction,
TANGEDCO,
Virudhunagar. 3
- 5.The Authorised Person,
Dalmia Cement,
Sathur Taluk,
Virudhunagar District.

... Respondents



PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 2 to 4 from laying or drawing any high tension towers in the petitioners property situated in S.No.68/26, Plot No.65 & 66, Kuberan Nagar, Mulliseval Village, Sathur Taluk, Virudhunagar District by considering the representation of the petitioner dated 24.11.2022 and 28.11.2022 to the fourth respondent and 1st respondent.

For Petitioner : Mr.A.Srinivasan
For R1 to R4 : Mr.S.Jeyapriya
Government Advocate
For R5 : Mr.M.Prabhakaran

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ORDER

Heard the learned counsel on either side.

2.The writ petitioner wants this Court to forbear TANGEDCO from installing or drawing high tension lines over the petition mentioned survey number.

3.The learned standing counsel for TANGEDCO contended that in view of Section 164 of the Tamil Nadu Electricity Act, 2003, consent from the writ petitioner is not required. He also relied on the



decision of the Hon'ble Apex Court reported in *AIR 2020 SC 1921*

(Century Rayon Limited Vs IVP Limited and Others). No doubt, the said decision is in favour of TANGEDCO. However, the provision contemplates grant of permission by the Government. I called upon the learned standing counsel to produce the copy of the order passed by the Government under Section 164 of the Act.

4. When the matter was taken up for hearing today, such an order could not be produced. It is however stated that the District Collector has been empowered to grant permission under Section 164 of the Act. No order from the District Collector has also been produced. In these circumstances, I have to necessarily allow the writ petition.

5. At this stage, the learned counsel for the fifth respondent submitted that through the survey number in question, the lines can be drawn through two routes. According to him, the writ petitioners are raising objections only in respect of one route and not through the other route. I make it clear that with the consent of the writ petitioners, the dedicated lines can very well be drawn in favour of the fifth respondent.



6.The writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

21.02.2023

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

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To

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5

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G.R.SWAMINATHAN,J.

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