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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17397 of 2020
and WMP(MD)Nos.14536 of 2020 & 1626 of 2021

Subbaiah

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District.
2. Power Grid Corporation of India Limited,
Represented by its Deputy General Manager/CAO,
SF.No.606-400/765 K.V Sub Station,
Ettayapuram, Thoothukudi District.
3. The Executive Engineer,
Transmission Line Construction,
Thoothukudi District, Thoothukudi
4. The Executive Officer,
Sathankulam Town Panchayat,
Sathankulam, Thoothukudi District.
5. D.Sankar ... Respondents
[5th respondent is impleaded as per Order of this Court, dated 05.09.2023]

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, forbearing the respondents from



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erecting high tension line across petitioner's residential area which is situated at Ittamozhi, Kamarajar Road, Sathankulam Town Panchayat, Thoothukudi District without following any due process of law.

For Petitioner : Mr.T. Vadivelan
For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader, for R-1 & R-4
Mr.S.Suresh, for M/s.Aiyar & Dolia, for R-2
Mr.S.Deenadhayalan,
Standing Counsel for R-3
Mr.T.A.Ebenezer, for R-5

ORDER

This writ petition is filed for Writ of Mandamus forbearing the respondents from erecting High Tension line across the petitioner's residential area without following any due process of law.

2. Heard Mr.T. Vadivelan, the Learned counsel for the Petitioner, Mr.R.Suresh Kumar, the Learned Additional Government Pleader for the respondents 1 & 4, Mr.S.Suresh, for M/s.Aiyar & Dolia, the Learned Counsel for R-2, Mr.S.Deenadhayalan, the Learned Standing Counsel for R-3, Mr.T.A.Ebenezer, the Learned counsel for R-5 and perused the material documents available on record.



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3. Already there are existing line, which is evident from the photos enclosed along with this writ petition. The poles are erected on the road margin. It is not a High Tension Towers and it is only distribution lines which was erected to distribute the electricity power supply to the houses situated in the area. The petitioner has raised an objection to the line which is proposed to be erected for one D.Sankar. Since the said D.Sankar is a necessary party, the impleading petition is allowed and he was impleaded as 5th respondent in this writ petition.

4. The 5th respondent has submitted an application to shift the existing line which is crossing his land. In order to put up construction, the 5th respondent has sought to shift the lines. In the meanwhile, the petitioner has submitted objections. The official respondents are appropriate authorities for considering the application and the objections, which was submitted by the 5th respondent and the petitioner respectively.

5. Accordingly, the official respondents are directed to issue notice to the Petitioner as well as the 5th respondent and thereafter shall conduct enquiry



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and pass orders as per Law. In case the respondents are deciding to shift the line, all safety measures can be taken into account.

6. With these observations and directions, this writ petition is disposed of. No Costs. Consequently, WMP(MD)No.1626 of 2021 is allowed and WMP(MD)No.14536 of 2020 is closed.

05.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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S.SRIMATHY, J.

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W.P.(MD)No.17397 of 2020

05.09.2023