



W.P(MD)No.10898 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10898 of 2015
and
M.P.(MD)No.1 of 2015

S.Venkatachalam

... Petitioner

Vs.

1.The Commissioner,
Tiruchirapalli Corporation,
Trichy.

2.Assistant Commissioner,
Tiruchirapalli Corporation,
Ponmalai Zone, Trichy.

3.S.Ravi

4.Inspector of Police,
KK Nagar Police Station,
KK Nagar, Trichy.

5.The Superintending Engineer,
TANGEDCO,
Mannarpuram,
TVS Tollgate,
Trichy-20.

... Respondents



W.P(MD)No.10898 of 2015

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 & 2 to consider the petitioner's representation dated 18.11.2013 and remove the encroachment in TS No.41, Iyyappan Nagar, Ward No.38, Tiruchirapalli corporation in furtherance of the notice dated 31.01.2014 issued under section 258 of the Tiruchirapalli Municipal corporation Act.

For Petitioner : Mr.Raguvaran Gopalan,
For Mr.K.Prabhakar.

For Respondents : Mr.R.Baskaran,
Addl. Advocate General for R1 & R2.
Mrs.K.Christy Theboral,
Addl. Government Pleader for R4.
Mr.P.T.Ramesh Raja for R3.
Mr.S.Deendhayalan for R5.

ORDER

Heard the learned counsel on either side.



W.P(MD)No.10898 of 2015

2.The writ petitioner had purchased a plot of land from one Gunavathy Somasundaram vide sale deed dated 13.01.2004. The land purchased by her is comprised in old Survey No.15/3. It lies to the north of Sastha street, south of Plot No.15 in Manikandan street and west of high tension tower. The third respondent herein had purchased his plot of land vide sale deed dated 11.05.1998. It is bounded on east by 40 feet road, south by 20 feet wide Sastha street and west by Plot No.13. A copy of the rough sketch has been enclosed in the typed set of papers. It is seen therefrom that the petitioner's plot is comprised in T.S.No.55 while the third respondent's plot is comprised in T.S.No.9. A electric high tension tower is installed in T.S.No.41. The grievance of the writ petitioner is that said high tension tower has been compounded on all the sides by the third respondent herein. The petitioner wants the same to be removed.

3.Though the learned counsel for the third respondent vehemently opposed the writ petitioner's request, I am satisfied that relief has to be granted. The Trichirappalli Corporation issued notices under Section 258 of the Coimbatore City Municipal Corporation Act calling upon the third



W.P(MD)No.10898 of 2015

respondent as well the writ petitioner to remove the respective encroachments caused by them. On account of the pendency of this writ petition, further action has not been taken.

4.The learned standing counsel for TANGEDCO also clearly states that the electric high tension tower of TANGEDCO had been located only on public land and not on any private patta land and compounding the same cannot be permitted. I do not want to go into the issue if the land on which the high tension tower has vested with the corporation or not. The question to pose is whether compounding a high tension tower is an authorised one. The answer is necessarily in the negative. Once I come to the conclusion that unauthorised construction that too on a public land has been put up, it is the duty of the local body to cause its removal. Notices have already been issued by the corporation.

5.The respondents 1 and 2 are directed to take consequential steps pursuant to the notices already sent by them to the writ petitioner and the third respondent herein. It shall be ensured that the high tension tower in question is not compounded.



W.P(MD)No.10898 of 2015

WEB COPY

6.This writ petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petition is closed.

18.07.2023

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

To:-

Tiruchirapalli Corporation,
Trichy.

2.Assistant Commissioner,
Tiruchirapalli Corporation,
Ponmalai Zone, Trichy.

3.Inspector of Police,
KK Nagar Police Station,
KK Nagar, Trichy.



WEB COPY



W.P(MD)No.10898 of 2015

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.10898 of 2015

18.07.2023