



WP(MD)No.12284 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.12284 of 2016
and W.M.P(MD).No.9365 of 2016

Sivaraman

.. Petitioner

v.

1.The District Collector,
Sivagangai District.

2.Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
NPKRR Maligai, 144 Anna Salai,
Chennai-600 002.

3.The Superintending Engineer,
Transmission Line Construction,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Sivagangai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in her proceedings Na.Ka.C3-3798-2016 dated 05.07.2016 and quash the same with a direction to hold denova enquiry and consequently restraining the respondents 2 and 3 from drawing power line across subject property in S.No.87



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with an extent of 2.83.0 hectares, Kalanivasal Village, Karakuddy Taluk, Sivagangai District.

For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.G.Surya Anandh
Additional Government Pleader
for R1
Mr.S.Deenadhayalan
Standing Counsel for R2 and R3

ORDER

This Writ Petition has been filed challenging the order impugned passed by the first respondent dated 05.07.2016 permitting the respondents Electricity Board to draw High Tension Power Lines across the property of the petitioner in Survey No.87, situated at Kalanivasal Village, Karaikudi Taluk, Sivagangai District.

2. The petitioner, with a grievance that the respondents/Electricity Board are trying to draw high tension power lines across his property, has submitted a representation to the first respondent and since the same was not considered, he has filed a writ petition before this Court in W.P(MD).No.18312 of 2015, to forbear the respondents Board from drawing high tension power line across his property in Survey No.87. This Court, vide order, dated 03.03.2016, disposed of



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the said writ petition with a direction to the first respondent herein to consider the representation of the petitioner and take a decision in accordance with law.

Accordingly, the first respondent has conducted enquiry after providing an opportunity of hearing to the petitioner and rejected the request of this petitioner by the order impugned in this writ petition.

3. The learned counsel appearing for the petitioner submits that the respondents 2 and 3 are trying to draw high tension power lines across the Religious Institution, which may cause danger to the devotees who are visiting the Temple.

4. The learned counsel appearing for the first respondent submits that Arulmigu Maravankottai Kaliyamman Temple is a Temple situated in a Government Poramboke land. The petitioner and others have claimed right over the property of the Temple by way of patta issued during the settlement proceedings that was later cancelled by the Commissioner of Land Administration. As on date, the petitioner is not having any right over the subject property and the subject property has already been declared as Government Poramboke land.



5. The learned counsel appearing for the respondents 2 and 3 submits that this is a high tension power line of 400KV and it passes through the land in Survey No.87 and no tower has been laid in the said survey number. He further submits that the proposal for drawing this line was made in the year 2013 and it has been erected. He admits that a line is crossing through the property of the petitioner and it cannot be altered on technical reasons and that was considered by the first respondent and the petitioner's request was rightly rejected.

6. This Court considered the rival submissions made by both sides and perused the materials available on record.

7. The petitioner claiming to be the owner of the property in Survey No.87 has filed this Writ Petition on the ground that the respondents Board are attempting to draw high tension power lines through his patta land and there cannot be any high tension power line across the Religious Institution. However, there is no such condition prescribed in the Act and the subject property has been declared as Government Poramboke land. Moreover, the first respondent has passed the impugned order that the works on erecting the tower in the electrical project have been completed and there cannot be any diversion or deviation. Therefore, there is



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no reason to interfere with the impugned order issued by the first respondent.

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8. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

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