



W.P(MD)No.25749 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25749 of 2022

and

W.M.P.(MD)No.19855 of 2022

1.Rohini Priya

2.Kayalvizhi

... Petitioners

Vs.

1.The Chairman Cum Managing Director,
TANTRANSCO, Anna Salai,
Chennai.

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.

5.The Assistant Executive Engineer,
Tower Line Construction,
TANGEDCO,
Virudhunagar.



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6.The Authorised Person,
Dalima Cement,
Sattur Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents and their men and agents from installing the electric poles and High Tension Lines at Survey No.125/1A situated at Subbiahpuram Village, Sattur Taluk, Virudhunagar District and Survey No. 125/1C situated at Pethurettipatti Village, Sattur Taluk, Virudhunagar District based on the petitioners' representation dated 04.11.2022

For Petitioners : Mr.G.Kasinathadurai

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel for R1 to R5.
Mr.M.Prabhakaran for R6.

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.



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2.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.

3.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.

4.At this stage, the learned counsel for the sixth 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



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the consent of the writ petitioners, the dedicated lines can very well be drawn in favour of the sixth respondent.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Note: Issue order copy on 05.01.2023.



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G.R.SWAMINATHAN, J.

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