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W.P.(MD)NO.25116 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25116 of 2023 AND
W.M.P.(MD)No.21295 of 2023

Anthony Nadar

... Petitioner

Vs.

1. The District Collector,
Collectorate, Kokkirakulam,
Tirunelveli District.
2. The Tahsildar,
Tirunelveli Taluk,
Tirunelveli District.
3. The Chief Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd., (TANGEDCO),
K.Pudhur,
Madurai -7.
4. The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd., (TANGEDCO),
Tirunelveli.
5. The Project Officer,
State Industries Promotion Corporation
of Tamil Nadu (SIPCOT),
Projects III-A, Gangaikondan,
Tirunelveli District.

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.COLTNV/5592/2023-G2 dated 15.09.2023 on the file of the first respondent and quash the same in respect of the petitioner's property in S.No.1585/1 in Kangaikondan Village-1, Tirunelveli District and consequently direct the third respondent to remove all the electricity towers erected in the petitioner's lands.

For Petitioner : Mr.S.Sankarasubramanian
For R-1 & R-2 : Mr.K.Balasubramani,
Special Government Pleader.
For R-3 & R-4 : Mr.S.Deenadhayalan,
Standing Counsel.
For R-5 : Mr.M.Gangatharan

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is the owner of the land comprised in survey Nos.1584/1 and 1585/1 in Gangaikondan Village, Tirunelveli District. TANGEDCO proposed to erect 230KV DC



tower on the aforesaid lands. The petitioner raised his objections. The matter went before the District Collector, Tirunelveli. The District Collector, Tirunelveli issued proceedings dated 15.09.2023 permitting TANGEDCO to enter the lands in question and erect the towers. Questioning the same, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner pointed out that the proceedings dated 15.09.2023 is confined to survey No.1585/1 and that it does not encompass survey No.1584/1. I sustain the said contention. The learned Standing counsel appearing for TANGEDCO produced a copy of the proceedings bearing Na.Ka.COLTNV/5592/2023-G2 dated 11.10.2023 in which the permission has been granted to survey No.1584/1 also.

4. My attention is also drawn to G.O.(Ms)No.16 Energy (C.3) Department dated 23.02.2012 whereby under Section 164 of the Electricity Act 2003, the Government had conferred upon TANGEDCO and TANTRANSCO the powers under the provisions of Indian Telegraph Act 1885. These provisions



have been dealt with in extenso in W.P.(MD)No.6319 of 2020.

When the District Collector had exercised the discretion in favour of TANGEDCO, the question of the writ Court interfering with the same does not arise at all. All that the petitioner can contend is that he must be properly and duly compensated. In this case, the District Collector quantified the compensation payable to the petitioner. TANGEDCO is ready to pay the same, the moment, the petitioner expresses his written consent. The writ petitioner can receive the said compensation without prejudice to his right to claim further enhanced compensation.

5. With this observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2023

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

1. The District Collector,
Collectorate, Kokkirakulam,
Tirunelveli District.
2. The Tahsildar,
Tirunelveli Taluk,
Tirunelveli District.



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6

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G.R.SWAMINATHAN,J.

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