



W.P.No.6760 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6760 of 2021

Annai Abirami Matriculation School
Rep. by its Correspondent Mrs.Shabitha
Periyappanuthu
Udumalpet
Tiruppur District.

... Petitioner

Vs

1. The Chairman,
Tamil Nadu Electricity Board,
Chennai – 02.

2. Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Udumalai Electricity Distribution Circle,
Poolankinar,
Udumalpet – 642 122,
Tiruppur District.

3. Inspector of Police,
Thali Police Station,
Tiruppur District.

4. Balasubramanian

5. Visalakshi

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of order in Lr. No.AE/PLKR/PLY/CI/F.DKT/D.No.394/21 dated 11.02.2021 on the file of the second respondent herein and quash the same and consequently direct the second respondent to shift the High Tension line from campus of the petitioner school as proposed in the sanction letter dated 18.08.2018.

For Petitioner : Mr. N.Ponraj

For Respondents : Mr. D.R.Arun Kumar,
Standing Counsel (for R1 & R2)

Mr.E.Vijay Anand,
Additional Government Pleader (for R3)

Mr. J.Aravind (for R4)

Mr. C.Veeraraghavan (for R5)

O R D E R

This Writ Petition has been filed as against the order passed by the second respondent, dated 11.02.2021, thereby requesting the petitioner to arrange another way leave to deviate the existing HT Line.



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2. The petitioner is a school situated at Periyappanuthu Village, Udumalpet Taluk, Tiruppur District, comprised in S.F.No.80/C1B1 and S.F.No.77/2B, measuring an extent of 2.19.50 hectares. There is a high tension tower line, which is passing through the campus of the petitioner/School and the same is posing danger to the students. Therefore, the School campus cannot be utilised in an effective manner. Hence, the petitioner submitted an application dated 28.06.2018 to the second respondent, for re-alignment of the high tension tower line.

3. Considering the request made by the petitioner, the second respondent issued sanction order dated 18.08.2018, thereby, the petitioner/School was directed to pay a sum of Rs.1,43,030/- for re-alignment of the high tension tower line. Accordingly, the petitioner had paid the said amount and while the second respondent was in progress of realignment of the high tension line, there were objections by the fourth and fifth respondents, since the same was re-aligned adjacent to the land owned by the them. The fourth and fifth respondents also filed a suit in O.S. No. 160 of 2020 on the file of the District Munsif Court, Udumalpet for permanent injunction restraining the respondents 1 and 2 therein from



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transporting the new line and laying electric pole, etc. through the suit property. However, no interim order was obtained by the respondents 4 and 5 herein.

4. In view of the pendency of the suit, now the second respondent intimated the petitioner to arrange another way leave to deviate the existing high tension tower line. Due to the pendency of the suit, is not an impediment for the first and second respondents herein for deviating the existing high tension tower line in the route identified by the petitioner. In fact, only after due inspection of the route identified by the petitioner/School, the second respondent issued sanction order dated 18.08.2018 for deviating the existing high tension tower line and directed the petitioner to pay the costs to tune of Rs.1,43,030/-. Therefore, mere pendency of the suit is not an impediment for them to implement the order dated 18.08.2018.

5. In view of the above facts and circumstances, the impugned order cannot be sustained and it is liable to be quashed. Accordingly, the



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impugned order dated 11.02.2021 is quashed. The second respondent is directed to implement the order dated 18.08.2018, within a period of four weeks from the date of receipt of a copy of this order. However, it shall be subject to the result of the suit in O.S.No.160 of 2020 on the file of the District Munsif Court, Udumalpet, Tiruppur District.

6. In the result, this Writ Petition is allowed. No costs.

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Index: Yes/No
Neutral Citation: Yes/No
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Tiruppur District.

3. The Inspector of Police,
Thali Police Station,
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G.K.ILANTHIRAIYAN, J.

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